





**Brighton & Hove  
City Council**

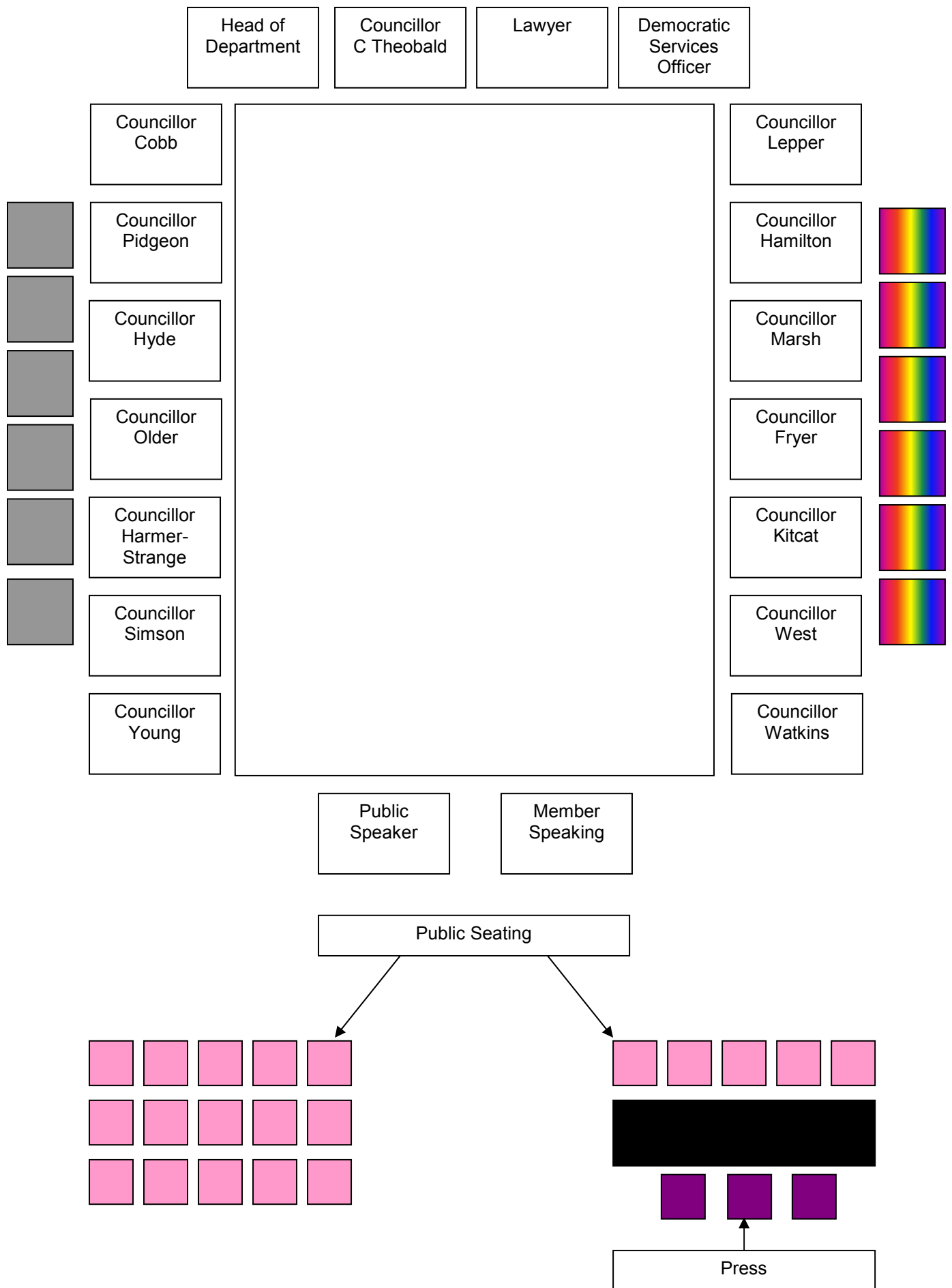
# Licensing Committee

## (Licensing Act 2003 Functions)

Title:	<b>Licensing Committee (Licensing Act 2003 Functions)</b>
Date:	<b>27 November 2008</b>
Time:	<b>3.30pm (or conclusion of Non 2003 Committee)</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> C Theobald (Chairman), Lepper (Deputy Chairman), Mrs Cobb, Fryer, Hamilton, Harmer-Strange, Hyde, Kitcat, Marsh, Older, Pidgeon, Simson, Watkins, West and Young
Contact:	<b>Caroline De Marco</b> Democratic Services Officer 01273 291063 caroline.demarco@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

**Part One**

**Page**

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**15. PROCEDURAL BUSINESS**

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

**16. MINUTES OF THE PREVIOUS MEETINGS**

**1 - 12**

Minutes of the meetings held on 19 June and 18 July 2008 (copies attached).

**17. CHAIRMAN'S COMMUNICATIONS**

**18. CALLOVER**

**NOTE:** Notices of Motion, Deputations, Petitions and Letters will be reserved automatically.

**19. PUBLIC QUESTIONS**

(The closing date for receipt of public questions is 12 noon on 20 November 2008)

No public questions received by date of publication.

**20. BIG BEACH BOUTIQUE 4 REVIEW**

**13 - 26**

Report of Director of Environment (copy attached).

Contact Officer: Tim Nichols, Jean Cranford, Martin New, Tel: 29-2550, Tel: 29-2425, Tel: 29-2436

## LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

*Annie Sparks*  
*Ward Affected: All Wards*

### **21. FILM CLASSIFICATION 27 - 36**

Report of Assistant Director of Public Safety (copy attached).

*Contact Officer: Jean Cranford Tel: 29-2550*

*Ward Affected: All Wards*

### **22. LICENSING ACT 2003 ENFORCEMENT 37 - 52**

Report of Assistant Director of Public Safety (copy attached).

*Contact Officer: Jean Cranford Tel: 29-2550*

*Ward Affected: All Wards*

### **23. HEALTH IMPACT ASSESSMENT OF LICENSING 53 - 78**

Report of Director of Environment (copy attached).

*Contact Officer: Jean Cranford, Tel: 29-2550,*  
*Tim Nichols*

*Ward Affected: All Wards*

### **24. SCHEDULE OF LICENSING REVIEWS 79 - 80**

(copy attached).

### **25. SCHEDULE OF LICENSING APPEALS 81 - 82**

(copy attached).

### **26. GAMBLING ACT SCHEDULE 83 - 84**

(copy attached).

### **27. ITEMS TO GO FORWARD TO COUNCIL**

To consider items to be submitted to the 29 January 2009 Council meeting for information.

In accordance with Procedural Rule 24.3a the Committee may determine that any item is to be included in its report to Council. In addition each Minority Group may specify one further item to be included by notifying the Chief Executive by 10.00am on 19 January 2009.

## LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Caroline De Marco, (01273 291063, email [caroline.demarco@brighton-hove.gov.uk](mailto:caroline.demarco@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Wednesday, 19 November 2008



**BRIGHTON & HOVE CITY COUNCIL**

**LICENSING COMMITTEE 2003  
(LICENSING ACT 2003 FUNCTIONS)**

**3.30PM – THURSDAY 19 JUNE 2008**

**COUNCIL CHAMBER - HOVE TOWN HALL**

**MINUTES**

Present: Councillor C Theobald (Chairman); Councillors Barnett, Cobb, Fryer, Hyde, Kitcat, Lepper (Deputy Chair), Marsh, Older, Watkins and West.

Apologies: Councillors Harmer-Strange, Hamilton, Pidgeon and Young.

**PART ONE**

**ACTION**

**1. PROCEDURAL BUSINESS**

**1A Declarations of Substitutes**

1.1 Councillor Barnett substituted for Councillor Pidgeon.

**1B Declarations of Interest**

1.2 There were none.

**1C Exclusion of Press and Public**

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

1.4 **RESOLVED** - That the press and public be not excluded from the meeting.

**2. MINUTES**

2.1 **RESOLVED** – That the minutes of the meeting held on 14 February

2008 be approved and signed by the Chairman as a correct record.

**3. CALL OVER**

3.1 **RESOLVED** - That all items on the agenda be reserved for discussion.

**4. CHAIRMAN'S COMMUNICATIONS**

4.1 The Chairman confirmed to the Committee that a Special Meeting of the Licensing Committee (Licensing Act 2003 Functions) would be held on Friday 18 July at 10am in the Council Chamber at Hove Town Hall.

The reason for the Special Meeting was to hear a major application for a Premises Licence under the Licensing Act 2003.

**5. PUBLIC QUESTIONS**

5.1 There were none

**6 TO CONFIRM THE ESTABLISHMENT OF LICENSING COMMITTEE 2003 (LICENSING ACT 2003 FUNCTIONS)**

6.1 The Solicitor to the Committee explained that it was necessary for the Committee to formally confirm the Establishment of the Licensing Committee 2003 (Licensing Act 2003 Functions) and its constituent panels.

6.2 **RESOLVED** – That the establishment of the Licensing Committee 2003 (Licensing Act 2003 Functions) be confirmed.

**7. SCHEDULE OF LICENSING REVIEWS**

7.1 At the review of the licence for Cranbourne News, Cranbourne Street, Brighton, the Panel considered the application, relevant representation, and submissions of the responsible authorities and of the licence holder and his representative. The Panel decided that the only option necessary to uphold the licensing objectives in this case was to revoke the licence.

No Appeal had been received to date but it was noted that the applicant had 28 days to appeal the Panel's decision.

7.2 **RESOLVED** – That the schedule be noted.

**8. GAMBLING ACT 2005 APPLICATIONS**

8.1 The Avenue Bride Club, Third Avenue, Hove, had its Licence granted by officers under delegated powers following the resolution made on 20 March 2008 that "the meeting be adjourned in order for the gambling commission to work with the applicants with regard to the redrafting of their constitution. Once that this had been done to the satisfaction of the Gambling Commission, that they would withdraw their representation and that it would be left for the authority to deal with the



application under delegated powers.”

8.2 That the schedule be noted.

**9. SCHEDULE OF LICENSING APPEALS**

9.1 In relation to the Portland Hotel, Portland Road, Hove, it was noted that the Magistrates Court upheld the Panel Decision, made on 17 January 2008, in all but one respect. That being that the Condition that door supervision be required when the premises hosts a live music event be changed. The new condition would require the premises to carry out a risk assessment and sign up for SIA registered mobile support.

**10. ITEMS TO GO FORWARD TO COUNCIL.**

10.1 There were none

The meeting concluded at 4.10pm

Signed

Chairman

Dated this

day of

2008



**BRIGHTON & HOVE CITY COUNCIL**

**LICENSING COMMITTEE  
(Licensing Act 2003 Functions)**

**10.00AM – FRIDAY 18 JULY 2008**

**COUNCIL CHAMBER  
HOVE TOWN HALL**

**MINUTES**

Present: Councillor C Theobald (Chairman); Councillors Fryer, Hamilton, Harmer-Strange, Hyde, Kitcat, Lepper (Deputy Chair), Marsh, Older, Pidgeon Watkins and West.

Apologies: Councillors Cobb and Young.

Also in attendance: Tim Nichols, Head of Environmental Health & Licensing, Rebecca Sidell, Lawyer and Christian Brown, Democratic Services Officer.

**PART ONE**

**13 PROCEDURAL BUSINESS**

**13A Declarations of Substitutes**

13.1 There were none.

**13B Declarations of Interest**

13.2 There were none.

**13C Exclusion of Press and Public**

13.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

13.4 **RESOLVED** - That the press and public be not excluded from the meeting – except for decision making.

**14. APPLICATION FOR A PREMISES LICENSE UNDER THE LICENSING ACT 2003 – BIG BEACH BOUTIQUE LIMITED, MADEIRA DRIVE, BRIGHTON**

14.1 The Panel considered a report of the Assistant Director, Public Safety, regarding an application for a Premises Licence under the Licensing Act 2003 for Big Beach Boutique Limited, Madeira Drive, Brighton.

14.2 Mr Doug Simmonds attended the Committee to represent the applicants, Big Beach Boutique Limited. Mr Roy Pennington attended the Committee to represent the Kingscliffe Society. Ms Annie Sparks, Divisional Environmental Health Officer, attended the Committee to represent Environmental Health and Ms Susan Lee, Environmental Health Officer attended to represent on the grounds of public safety.

14.3 The Licensing Officer summarised the application. He stated that the representations received cited concerns in relation to Public Safety, Cumulative Impact and the prevention of public nuisance. He stated that any conditions imposed should be tailored, and that concern to prevent public nuisance should be balanced against the wider cultural benefits of the community generally.

14.4 Ms Annie Sparks, stated that she was concerned when that application was first submitted that the applicants had not adequately addressed issues in relation to public nuisance. She stated that she had met with the applicants and now felt satisfied that Environmental Health's concerns had been dealt with, so she was withdrawing the representation on the basis of the following conditions:

1. Sound checks shall be carried out on Friday September 26th 2008, and Saturday September 27th 2008 between the hours of 11:00 and 14:00 (Subject to Production Schedule). Sound Checks will last for no longer than 20 minutes in duration with a maximum of one soundcheck per hour. This shall be done to the satisfaction of the Licensing Authority.

2. Noise Pollution will be recognised as a potential problem and noise levels will be monitored and adjusted if necessary. Noise pollution shall be assessed, monitored, and managed in accordance with the Noise Management Plan agreed with the Licensing Authority.

3. A further background noise survey shall be conducted at least three weeks prior to the event. The methodology and format of the survey shall be agreed with the Licensing Authority. The background noise survey shall be representative of the time periods that the events are being held.

4. Noise assessments shall be carried out by the applicant at representative sensitive locations. These locations shall be agreed with the Licensing Authority. The noise monitoring programme conducted by the applicant during the events shall be agreed with the licensing

authority. This shall cover the duration, frequency, and location of the noise monitoring. It shall also include noise monitoring period times, noise frequencies, and noise parameters. All monitoring results shall be recorded, and retained on site. These results shall be made available for inspection by the Licensing Authority. The noise monitoring programme conducted by the applicant during the events shall be agreed with the licensing authority at least two weeks prior to the event.

5. The music noise levels (MNL) when assessed at the production stage, during sound checks or during the event when measured 1 metre from the façade of any noise sensitive premises:

- Between 15:00 – 21:45 will not exceed the background level by 15dB(A) over any 15 minute period.
- Noise from music will be inaudible within noise sensitive premises (with windows open in a typical manner for ventilation), except between 15.00 and 21:45 Friday 26th September and 15.00 and 21.45 Saturday 27th September and the agreed soundcheck periods.
- Special attention will be given to the two bass octaves centred around 63Hz & 125Hz. Maximum noise levels with regard to these frequencies shall be agreed with the Licensing Authority at least two weeks prior to the event.

6. All microphones and amplified entertainment shall be controlled via a noise limiting device. This shall be set at a level to be agreed by the Licensing Authority.

7. Local residents shall be sent a letter from the applicant at least seven days before the event opening. The letter shall include the following information:

- The dates and times of the set up and breakdown activities
- Dates and times of sound checks and tests of the public address system
- Times of background music
- Times for the Fat Boy Slim performance and any other support acts
- Details of a hotline complaint number

The final content and proposed distribution of the letter shall be agreed with the Licensing Authority prior to sending out.

8. A timetable detailing the build and strike for the event shall be agreed with the Licensing Authority eight weeks prior to the event. The timetable shall include the times that the various stages of the build and strike will be taking place and shall detail noise mitigation measures to prevent noise nuisance to neighbouring residents.

9. Signs shall be displayed at the entrances and exits advising the public that they are in a residential area and to keep noise to a

minimum.

10. Deliveries, waste water and toilet cubicle service, and refuse movement and bottle emptying shall be prevented between 23.00 and 08.00 (subject to Production Schedule).

11. The PA system will be under the control of a competent engineer at all times. All visiting engineers will be under the supervision of a house engineer.

12. The licensee will provide a point of contact to the Director of Environment for the duration of the event by nominating a named person and telephone number.

13. The sound system shall be operated at all times to the satisfaction of the Director of Environment.

14. Designated qualified personnel shall be present at the sound control position for the duration of the event for the purpose of ensuring that the above condition is complied with.

15. A telephone complaints hotline will be made available for the duration of the sound checks and concert. Should complaints of noise arise, at any time during the event, the promoters acoustic representative will visit the area of complaint and appropriate action will be taken. The Environmental Health & Licensing Officers on site will be informed of any complaints as soon as they are received.

It was noted also that the amended operating schedule satisfied Ms Susan Lee, Environmental Health Officer, and that she was withdrawing the representation with regard to public safety as the applicants had agreed to the 3 further conditions as set out below.

1. The licence holder must ensure that the event takes place in accordance with the document known as the "event management plan" as submitted by loud sound. Any variations of the event management plan must be discussed with, and agreed by, members of the Safety Advisory Group.

2. Items of street furniture and other fixtures, which are situated in the audience area, are to be removed or fenced off, so as not to pose a hazard to audience members, to the satisfaction of relevant council or emergency services representatives.

3. The issue of a licence is subject to final agreement of all responsible authorities to confirm that the measures as specified in the Event Management Plan and those agreed by the multi agency safety advisory group.

14.5 It was confirmed to the Committee that after a similar event by the applicants last year on New Year's day, one complaint was received by

the Pollution Control Team. It was also confirmed to the Committee that the letter drop area would need to be wide enough to encompass all properties that could be subject to noise nuisance. It was confirmed to the Committee that if conditions were not adhered to that the event could be stopped and closed; however, it was noted, with 22,000 people present suddenly stopping the event could have very significant public safety problems. It was confirmed that council employees would be on site to ensure that the event was well managed.

- 14.6 It was confirmed to the Committee that there were no representations made by either the Police or the Fire & Rescue Service. Ms Lee Confirmed to the Committee that there would be council officers on-site to look at issues in relation to public safety especially in relation to electric current. It was confirmed to the Panel that the sending of the letter was to be the sole responsibility of the applicant. The content of the letter content would have to be agreed with Environmental Health Officers as would the streets to be on the mailing list. The letter would be sent seven days before the event.
- 14.7 It was confirmed to the Committee that the background noise level could be 55-60 decibels at times, it was confirmed that EHOs would carry out noise level surveys. It was confirmed to the Committee that the council's noise guidance had agreed levels for the prevention of public nuisance in an area such as this and that if the noise levels were unreasonable on the day officers would request that the volume be reduced. It was stated that last year there were inadequate numbers of sound engineers at the event and that any requests made by officers often had slow responses. It was confirmed to the Committee that the closest noise sensitive premises were likely to be around the southern end of Burlington Street.
- 14.8 Mr Pennington spoke to the letter submitted by Mr Hainsworth of the Kingscliffe Society. In addition, he stated that he was concerned about the security of the beach huts and the obstruction and loss of the seafront.
- 14.9 Mr Pennington stated that the reason that there had not been more letters of complaint following on from the last event was that people had probably gone away on the day. He stated that there was a feeling that an event at this time of the year would produce more nuisance as windows would be open.
- 14.10 It was confirmed to the Committee that under local legislation, the council had powers to close the beach at certain times of the year.
- 14.11 Mr Simmonds stated that he was representing the applicants. He stated that Mr Jim King sent his apologies for not being able to attend the hearing.
- 14.12 Mr Simmonds stated that the event had been in planning for a considerable time and that there was still work to do, he stated that the application was an ongoing development and that the applicant had worked within the timetables required by legislation. He stated that there

had been considerable consultation with a safety advisory group which included the Police. He stated that as there were now no representations from statutory authorities, he stated that the Committee could be confident in the granting of a licence. He stated that the licence is conditional and that until everything is satisfactory to the council, the licence would not be handed over.

- 14.13 Mr Simmonds explained to the Panel that information relating to the electrical supply was addressed on page 30 of the Event Management Plan. He stated to the Committee that the applicants were well aware that the 40 minute time lapse between a noise complaint and the response to it at the previous event was not satisfactory. He stated that this was the reason why the number of staff had increased, in particular sound engineers and that a call centre would be set up. He stated that it would be safe for 22,000 people to attend the event. He stated that the vast majority of the acts would be at the eastern end of Madeira Drive well away from the Cumulative Impact area – he stated that the only part of the premises in the CI area was the box office and that no licensable activities would take place in the CI area. He stated that the show would only finish an hour after dark. Mr Simmonds hoped that the event would be a success for Brighton.
- 14.14 It was confirmed to the Panel that alcohol would be sold until the site closed at 10pm despite the last acts scheduled to finish at 9.45pm. This was to ensure a gradual dispersal of the patrons of the event. He also confirmed that there would be people all around the site marshalling - he stated that there would be security on site and that the beach huts would be protected under the security operation remit.
- 14.15 Mr Simmonds stated that he would need to call the applicant with regard to the selling of food as there were contradictions between page 25 and page 31 of the Event Management Plan.
- 14.16 It was confirmed that this event was to have a capacity of 22,000 people, which was 2,000 more than the previous event held on new year's eve. It was confirmed to the Committee that reason that not every single section of the Event Management Plan was provided, was because those sections did not relate to licensing.
- 14.17 The licensing officer made closing observations and that interested parties made their closing statements. Mr Simmonds, after making a call to the applicant, confirmed that the switchboard number would be a local number that was to be issued two weeks before the event. He stated that the switchboard would be operated by four members of staff. He confirmed that food service was to stop at 10pm along with the alcohol, in order to create a slower dispersal of patrons from the premises. He confirmed that the beach would be closed at midday on the day of the first even and, that the closure order for the road would be effective the day before the event and the day after.



- 14.18      **RESOLVED** – That the application, as amended with the conditions agreed with the Environmental Health Officers, be granted.

The Committee were pleased that the applicants had worked with Environmental Health in order to mitigate the issues pertaining to public nuisance and public safety. Therefore, the Committee felt that they had heard sufficient information to grant the application.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

The meeting concluded at 1.30pm

Signed

Chairman

Dated this    day of

2008



# LICENSING COMMITTEE (Licensing Act 2003 Functions)

## Agenda Item 20

Brighton & Hove City Council

**Subject:** Big Beach Boutique 4 Review  
**Date of Meeting:** 27 November 2008  
**Report of:** Director of Environment  
**Contact Officer:** Name: Tim Nichols **Tel:** 292163  
Jean Cranford  
Annie Sparks  
Martin New  
E-mail: tim.nichols@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Committee issued a licence appended for Big Beach Boutique 4 for Saturday 27<sup>th</sup> September 2008 on Madeira Drive.
- 1.2 This report gives licensing members the opportunity to review issue of that licence.

#### 2. RECOMMENDATIONS:

- 2.1 That this report is noted.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The department received one complaint that the noise levels were too low in Madeira Drive which led to people crowding the east end of the site nearest the stage just before the main act.
- 3.2 It is understood that the Safe Space project was fairly busy operating in West Street that night.
- 3.3 Preliminary reports were that there were around 50 casualties that were alcohol and substance misuse related but none relating to crushing.
- 3.4 Officers from the Environmental Protection team were on site throughout the entire event to ensure that the Premises Licence conditions relating to noise were complied with and statutory noise nuisance was prevented. A number of the premise licence conditions required information relating to management of

noise prior to the event. All this information was provided in accordance with the various conditions. During the event, only one noise complaint was received by the council and the sound engineers. This related to a property in Marine Parade behind the stage. Officers from the Environmental Protection Team and the consultant sound engineer immediately visited the complainant at 17.00hrs and both took noise readings. The noise readings complied with the noise criteria set out in the licence conditions and the noise was not deemed to be a statutory nuisance under the provisions of the Environmental Protection Act 1990. The results were discussed with the resident along with the monitoring protocol and it was confirmed that noise levels were acceptable. The resident was satisfied with the action taken. Throughout the event, noise readings were taken by the environmental protection officers and the consultant sound engineer to ensure that the noise from the event met with the noise criteria agreed and the relevant premises licence conditions relating to noise. The environmental protection officers were in routine contact with consultant sound engineers monitoring in the street and sound engineers located on the stage. All 15 minute period noise readings taken by the Council met with the sound criteria agreed as part of the licence conditions. The consultant sound engineer set up a continuous sound level meter which logged noise readings every 15 minutes from 11.00hrs to 22.00hrs. This showed very occasional and slight exceedances of the agreed level at 63Hz. 63Hz is one of the two recognised bass frequencies that can cause disturbance. Each time one of these slight exceedances was identified, immediate action was taken to reduce the 63Hz level. No noise complaints were received after the event

- 3.5 Sussex Police reported that 300-400 people left early in various stages of distress and some crying of which the organisers are aware. They also report that there were issues with the site build which they feel will need to be restructured before any future event is held there. Again, the organisers are aware.

Sussex Police feel that any future event will be subject to full Safety Advisory Group (SAG) scrutiny with the organisers in attendance, senior partners sit on the SAG for the City.

- 3.6 East Sussex Fire & Rescue Service were concerned about the management and control of Concorde 2 during the event as VIP guests were found in restricted areas

- 3.7 There was substantial local press coverage. The local paper reported a balanced mix of views. Some customers were frightened and hurt by the experience it was alleged, and the organisers were quoted as being disappointed that people had safety concerns. Newspaper coverage led to a number of letters appearing in the paper's letters page with residents and customers both supportive and concerned about the event.

- 3.8 The Health and Safety team report that a complaint was received from a member of the public that the sound levels being too low in Madeira Drive which led to people crowding the east end of the site nearest the stage just before Fat Boy

himself came on. The final Event meeting reported that there were some 50 casualties relating to drink and drugs but none relating to crushing. The Licensing team report that there were no breaches of the licence.

#### **4. CONSULTATION**

- 4.1 The following responsible authorities were consulted: Sussex Police, Environmental Health, Health & Safety inspector, event manager, Fire and Rescue Service.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 Licence fee rates are set by central government at a level considered to allow licensing authorities to recover the costs of providing a licensing service.

*Finance Officer Consulted: Karen Brookshaw Date: 21/10/2008*

##### Legal Implications:

- 5.2 The purpose of licensing the event is to prevent crime and disorder, public safety, prevent public nuisance and protect children from harm.

*Lawyer Consulted: Rebecca Sidell Date: 21/10/2008*

##### Equalities Implications:

- 5.3 The council aims to lead a city that is inclusive where everyone feels valued and is able to enjoy a good quality of life.

##### Sustainability Implications:

- 5.4 Prevention of public nuisance is a licensing objective.

##### Crime & Disorder Implications:

- 5.5 Careful event management should reduce public place violence and other violent offences.

##### Risk and Opportunity Management Implications:

- 5.6 Big Beach Boutique was run in accordance with a detailed event management plan covering management, fire safety, emergency planning, communications,

crowd and traffic management, temporary structures and barriers, electrical safety, welfare facilities, waste management, sound management, medical and first aid provisions.

Corporate / Citywide Implications:

- 5.7 Events and attractions are a core experience for the city's visitor economy strategy.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Premises licence for BBB4

**Documents In Members' Rooms**

1. NIL

**Background Documents**

1. NIL

**Schedule 12****Part A****Regulation 33, 34**

**Premises Licence  
Brighton and Hove City Council**

**Premises Licence Number**

1445/3/2008/00966/LAPREN

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Big Beach Boutique Ltd  
Madeira Drive  
Brighton

**Telephone number****Where the licence is time limited the dates**

26.09.2008 – 27.09.2008

**Licensable activities authorised by the licence**

Performance of Dance	Dancing
Performance of Live Music	Performance of Recorded Music
Sale by Retail of Alcohol	

**Times the licence authorises the carrying out of licensable activities****Performance of Dance**

Friday &amp; Saturday 15:00 – 21:45

Issued: 2 September 2008

**Dancing**

Friday & Saturday 15:00 – 21:45

**Performance of Live Music**

Friday & Saturday 15:00 – 21:45

**Performance of Recorded Music**

Friday & Saturday 15:00 – 21:45

**Sale by Retail of Alcohol**

Friday & Saturday 15:00 – 21:45

**The opening hours of the premises**

Friday & Saturday 15:00 – 22:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premises.



## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Big Beach Boutique Ltd  
Fulham Palace  
Bishops Avenue  
London  
SW6 6EA

E-Mail (+ use for holder of premises LI)      jim@loudsound.net

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number 04444543

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Christina Von Bonin  
The Flat  
94 High Street  
Burford  
Oxfordshire  
OX18 4QF

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: 15773

Licensing Authority: London Borough Of

Issued: 2 September 2008

Richmond-upon-Thames

Issued: 2 September 2008

*Annex 1 - Mandatory conditions*

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
  - (a) at a time when there is no designated premises supervisor in respect of the premises, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

S 21; mandatory condition: door supervision

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

*Annex 2 - Conditions consistent with the Operating Schedule:*

For the prevention of crime and disorder:

1. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the prevention of crime and disorder.
2. Specifically the crowd management plan stewarding and SIA security operational plan shall be adhered to. All physical crowd control measures shall be installed including crowd control barriers heras fencing and pit (mojo) barriers. The queuing lanes shall be provided as indicated on the plan or otherwise agreed by event control. Searching procedures and anti drug measures to be in place as agreed with Sussex Police.

For public safety:

1. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the Public Safety.

2. Specifically the total audience numbers shall not exceed 22,000 persons on the site at any time.
3. No glass is to be sold at any bar or concession.
4. Wind speeds will be monitored and action taken in the event in the event that the safe wind speed for a structure is exceeded.
5. All stages and electrical equipment will be supplied and installed by competent contractors and relevant structural stability and electrical safety certificates will be supplied to the Licensing Authority representative on demand. Any temporary electrical supply to be installed with residual current device protection.
6. Traffic management measures will be in place as agreed with the safety advisory group
7. Medical provision will be deployed as agreed and first aid post sited in accordance with the medical plan.

For the prevention of public nuisance:

1. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the prevention of Public Nuisance.
2. Specifically all waste management and litter picking will be carried out in accordance with waste management appendix to the Event Management Plan
3. The sanitary accommodation shall be installed and maintained in good operating condition for the duration of the event with no less than 110 female toilets 22 male toilets and 77 urinals appropriate signage will be in place.

For the protection of children from harm:

1. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the Protection of Children from Harm.
2. Specifically The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph ( which will be checked to ensure that the holder is not in possession of a provisional driving licence and still under 18), or a Portman Group proof of age card bearing the "PASS" mark hologram.

3. Facilities will be in place to deal with lost and found children as agreed with Sussex Police.

*Annex 3 - Conditions Attached after a hearing of a Licensing Panel 18<sup>th</sup> July 2008*

Environmental Health, Noise Pollution team conditions:

1. Sound checks shall be carried out on Friday September 26th 2008, and Saturday September 27th 2008 between the hours of 11:00 and 14:00 (Subject to Production Schedule). Sound
2. Checks will last for no longer than 20 minutes in duration with a maximum of one soundcheck per hour. This shall be done to the satisfaction of the Licensing Authority.
3. Noise Pollution will be recognised as a potential problem and noise levels will be monitored and adjusted if necessary. Noise pollution shall be assessed, monitored, and managed in accordance with the Noise Management Plan agreed with the Licensing Authority.
4. A further background noise survey shall be conducted at least three weeks prior to the event. The methodology and format of the survey shall be agreed with the Licensing Authority. The background noise survey shall be representative of the time periods that the events are being held.
5. Noise assessments shall be carried out by the applicant at representative sensitive locations. These locations shall be agreed with the Licensing Authority. The noise monitoring programme conducted by the applicant during the events shall be agreed with the licensing authority. This shall cover the duration, frequency, and location of the noise monitoring. It shall also include noise monitoring period times, noise frequencies, and noise parameters. All monitoring results shall be recorded, and retained on site. These results shall be made available for inspection by the Licensing Authority. The noise monitoring programme conducted by the applicant during the events shall be agreed with the licensing authority at least two weeks prior to the event.
6. The music noise levels (MNL) when assessed at the production stage, during sound checks or during the event when measured 1 metre from the façade of any noise sensitive premises:
  - Between 15:00 – 21:45 will not exceed the background level by 15dB (A) over any 15 minute period.

- Noise from music will be inaudible within noise sensitive premises (with windows open in a typical manner for ventilation), except between 15.00 and 21:45 Friday 26th September and 15.00 and 21.45 Saturday 27th September and the agreed soundcheck periods.
  - Special attention will be given to the two bass octaves centred around 63Hz & 125Hz. Maximum noise levels with regard to these frequencies shall be agreed with the Licensing Authority at least two weeks prior to the event.
7. All microphones and amplified entertainment shall be controlled via a noise limiting device. This shall be set at a level to be agreed by the Licensing Authority.
  8. Local residents shall be sent a letter from the applicant at least seven days before the event opening. The letter shall include the following information:
    - The dates and times of the set up and breakdown activities
    - Dates and times of sound checks and tests of the public address system
    - Times of background music
    - Times for the Fat Boy Slim performance and any other support acts
    - Details of a hotline complaint number

The final content and proposed distribution of the letter shall be agreed with the Licensing Authority prior to sending out.

9. A timetable detailing the build and strike for the event shall be agreed with the Licensing Authority eight weeks prior to the event. The timetable shall include the times that the various stages of the build and strike will be taking place and shall detail noise mitigation measures to prevent noise nuisance to neighbouring residents.
10. Signs shall be displayed at the entrances and exits advising the public that they are in a residential area and to keep noise to a minimum.
11. Deliveries, waste water and toilet cubicle service, and refuse movement and bottle emptying shall be prevented between 23.00 and 08.00 (subject to Production Schedule).
12. The PA system will be under the control of a competent engineer at all times. All visiting engineers will be under the supervision of a house engineer.

13. The licensee will provide a point of contact to the Director of Environment for the duration of the event by nominating a named person and telephone number.
14. The sound system shall be operated at all times to the satisfaction of the Director of Environment.
15. Designated qualified personnel shall be present at the sound control position for the duration of the event for the purpose of ensuring that the above condition is complied with.
16. A telephone complaints hotline will be made available for the duration of the sound checks and concert. Should complaints of noise arise, at any time during the event, the promoters acoustic representative will visit the area of complaint and appropriate action will be taken. The Environmental Health & Licensing Officers on site will be informed of any complaints as soon as they are received.

**Environmental Health**  
**Health & Safety Conditions**

17. The licence holder must ensure that the event takes place in accordance with the document known as the "Event Management Plan" as submitted by Loud Sound. Any variations to the Event Management Plan must be discussed with, and agreed by, members of the Safety Advisory Group.
18. Items of street furniture and other fixtures, which are situated in the audience area, are to be removed or fenced off, so as not to pose a hazard to audience members, to the satisfaction of

relevant Council or Emergency Services representatives.

19. The issue of a licence is subject to final agreement of all the responsible authorities to confirm that the measures as specified in the Event Management Plan and those agreed by the Multi-Agency Safety are in place.

**Annex 4 – Plans – removed as file too big**





# LICENSING COMMITTEE (Licensing Act 2003) Functions

## Agenda Item 21

Brighton & Hove City Council

<b>Subject:</b>	<b>Film Classification</b>		
<b>Date of Meeting:</b>	<b>27 November 2008</b>		
<b>Report of:</b>	<b>Assistant Director Public Safety</b>		
<b>Contact Officer:</b>	<b>Name: Jean Cranford</b>	<b>Tel: 292550</b>	
	<b>E-mail: jean.cranford@brighton-hove.gov.uk</b>		
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The British Board of Film Classification (BBFC) and the Licensing Authority are the classification bodies for films shown in the city, and as such has the right to issue film classifications to films that are shown in premises such as cinemas. Recent films that have been classified in Brighton and Hove City Council have been for the Duke of York's and Sallis Benney Theatre. Some films and film festivals are sponsored by Brighton and Hove City Council (BHCC) and/or the Arts Council and under such circumstances it could be imprudent to refuse permission.
- 1.2 At present no formal process is in place to classify films. In practice, officers may view films in advance, and determine classification, commonly after consultation with the Chairman. There is also no process to refer films to the Licensing Committee for classification where those films give rise to concerns regarding the licensing objective "the protection of children from harm."
- 1.3 The British Board of Film Classification (BBFC) classifies films to be exhibited in cinemas on behalf of Licensing Authorities, and as such Brighton and Hove rarely uses its right to classify films.
- 1.4 Under the Licensing Act 2003 any premises that has permission to show films as part of their permitted licensable activity, such as a cinema, has mandatory conditions attached to the licence regarding the exhibition of films. Premises that were previously licensed under the Cinemas Act 1985 will also have additional conditions attached, unless an application has been made to remove these. A schedule of the relevant conditions is attached as **APPENDIX 1**.
- 1.5 The Licensing Authority can be requested to classify a film that has not yet been classified by the BBFC. A typical example of this would be a locally

made film, such as a student production, to be shown at a film festival in the borough.

- 1.6 A distributor of a film can appeal to the Licensing Authority against a decision of the BBFC.
- 1.7 Any classification issued by the Licensing Authority only applies when the film is exhibited within the city, and does not effect the classification in other areas.

## **2. RECOMMENDATIONS:**

- 2.1 To agree the procedure to be taken in respect of the Licensing Authority issuing a classification for a film to be exhibited in Brighton & Hove.

## **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

### **Current Process**

- 3.1 There is currently no process to issue a classification for a one off screening, a film festival or film trailer.
- 3.2 Where a request is made to classify a film, a full copy of the film is requested. **(See APPENDIX 3)**. An officer will view the film and assess the film against guidelines issued by the BBFC. Officers will then issue a certificate with a classification for each film viewed. Conditions are attached to a waiver, and these are shown on **APPENDIX 2**.
- 3.3 A decision will be made at an officer level regarding the classification to be issued. This decision will be based on the BBFC guidelines and in agreement with the Chairman of the Licensing Committee.
- 3.4 Where a number of films are received at the same time, officers will view all the films submitted and issue a certificate prior to screening.

### **Commentary on licensing policy**

- 3.5 The following extract from Brighton & Hove Licensing Policy is considered relevant to this report:

“5.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification”.

## **Recommended Process**

### 3.6 Classification Requirements when films are not viewed in advance

Requests for an 18 certificate classification requirements be determined on an officer basis subject to the conditions shown in **APPENDIX 2**. An 18 certificate would be issued based only on the synopsis of the film and would be appropriate in the following cases:

- (a) A film festival
- (b) A one off screening of a film
- (c) A trailer for a film

## **Film Classification Requests**

- 3.7 Any request to classify a film will be considered by the licensing authority and must be accompanied by both the synopsis of the film and a full copy of the film in DVD or video format.
- 3.8 All requests must be made with a minimum of 7 days notice of the proposed screening or 28 days for multiple requests.
- 3.9 It is recommended that officers from the Licensing Authority view the entire film and assess against the BBFC guidelines, and a recommendation is made on the classification.
- 3.10 Where the appropriate classification is deemed to be a rating up to and including 15, then a classification will be issued by officers.
- 3.11 In sensitive cases, officers would consult with the Chairman or Deputy.

## **4. CONSULTATION**

- 4.1 None

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### 5.1 Financial Implications:

Any costs associated with film classification requests will be met from within existing revenue budgets.

*Finance Officer Consulted:* Karen Brookshaw

*Date:* 22/10/2008

5.2 Legal Implications:

The 2003 Act provides that where a premises licence authorises exhibition of a film, it must include a condition requiring the restriction of admission of children in accordance with a body designated under the Video Recordings Act 1984 (currently only BBFC) or by the licensing authority itself.

*Lawyer Consulted:* Rebecca Sidell

*Date:* 24.10.08

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Protection of children from harm is a licensing objective

Sustainability Implications:

- 5.4 Cinemas need flexibility in order to prosper.

Crime & Disorder Implications:

- 5.5 Domestic violence is a priority for Brighton and Hove's Crime and Disorder Reduction Partnership.

Risk and Opportunity Management Implications:

- 5.6 A balance needs to be struck between protection of children and freedom of expression.

Corporate / Citywide Implications:

- 5.7 The Statement of Licensing Policy recognises that the city is a major centre for culture, hosting an international arts festival. It has a very diverse community with two universities, the City College and many language schools.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

### **APPENDIX 1**

#### ***Mandatory Conditions - Licensing Act 2003***

The Conditions detailed below are mandatory conditions required to be placed on all Premises Licenses where the showing of films is authorised under the Licensing Act 2003

#### **Exhibition of films**

S 20; mandatory condition: exhibition of films

- the admission of children is to be restricted in accordance with the following
  - (a) where the film classification body is specified in the licence, unless subsection (3)(b) of S 20 applies, admission of children must be restricted in accordance with any recommendation made by that body
  - (b) where the film classification body is not specified, or [(S20 (3)(b)] the relevant licensing authority has notified the holder of the licence that this subsections applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority

#### **Additional Conditions Attached to Cinema Licences**

##### **Embedded Conditions:**

- Cinematographic (Safety) Regulations 1955
- Cinemas Act 1985
- Licence to Use Premises for Cinematograph Exhibitions

### **Conditions Attached to an 18 Certificate Film Classification Requirements where films have not been viewed in advance**

The conditions listed below are attached by BHCC on all waivers to the film classification requirements:

1. The films must not encourage or incite crime; or lead to disorder; or stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or promote sexual humiliation or degradation of or violence towards women.
2. The films must not have the effect such as to tend to deprave and corrupt persons who see them.
3. The films must not contain a grossly indecent performance thereby outraging the standards of public decency.
4. Persons under the age of 18 must not be admitted to any such film exhibitions.



The University Of Brighton  
Grand Parade  
Brighton  
BN2 0JY

Carol Theobald  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Sq  
Brighton  
BN1 1JP

8<sup>th</sup> July 2008

Dear Carol Theobald

I am writing to address the issue of film classification for films that screen during film festivals in Brighton and Hove. Having spoken to members of the Environmental Health and Licensing department at Brighton and Hove City Council it would appear that there is not at present a set policy for dealing with requests for a waiver of film certification during a film festival.

The normal procedure for screening films without a BBFC issued certificate in Brighton and Hove is to submit the film to the Licensing department for them to view prior to screening and a certificate be issued by them. However for a festival the size of CINECITY The Brighton Film Festival, which annually holds around 100 events, the number of unclassified films can run into in excess of 50 hours worth of screening material. In addition to the time factor it is also difficult to get hold of copies of all the films within the programme prior to the start of the festival.

## APPENDIX 3

The type of films we screen which may not have a BBFC certificate include films from the Screen Archive South East, short and feature films by local film makers, films that have been screening on the film festival circuit in the UK and abroad but do not have a UK film distribution deal, and finally advance previews of films due to screen in British cinemas but yet to have a release date set.

With the above information in mind we would like to request a waiver to the classification requirements during CINECITY The Brighton Film Festival. The festival runs from November 20<sup>th</sup> to December 7<sup>th</sup> 2008 at The Duke Of York's Cinema and The Sallis Benney Theatre.

If a waiver were to be granted we would ensure that the following conditions were met:

1. The films screened will not encourage or incite crime; or lead to disorder; or stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or promote sexual humiliation or degradation of or violence towards women.
2. The films screened will not have the effect such as to deprave and corrupt persons who see them.
3. The films will not contain a grossly indecent performance thereby outraging the standards of public decency.
5. Persons under 18 will not be admitted to any film without a certificate without a prior agreement from the Licensing authority.
6. Synopses of films to be screened will be submitted to the Licensing authority prior to the festival.

Please can you consider the waiver based on the above conditions. CINECITY is an annual event so it would be useful to know if a policy to deal with this sort of request is put in place for future years.



Yours sincerely

Nicky Beaumont  
Festival Manager  
01273 644713  
[www.cine-city.co.uk](http://www.cine-city.co.uk)  
info@cine-city.co.uk

cc Tim Nicholls  
Jackie Chambers

### **Documents In Members' Rooms**

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008):  
The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing  
Policy.

### **Background Documents**

1. None

# Licensing Committee (Licensing Act 2003 Functions)

## Agenda Item 22

Brighton & Hove City Council

<b>Subject:</b>	<b>Licensing Act 2003 Enforcement</b>		
<b>Date of Meeting:</b>	<b>27 November 2008</b>		
<b>Report of:</b>	<b>Assistant Director Public Safety</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jean Cranford</b>	<b>Tel:</b> <b>292550</b>
	<b>E-mail:</b>	jean.cranford@Brighton-Hove.gov.uk	
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 A letter has been received from Gerry Sutcliffe, Minister for Sport, Department for Culture, Media and Sport (DCMS) regarding Licensing Act 2003 Enforcement.

#### 2. RECOMMENDATIONS:

- 2.1 That the Licensing Committee and the sub-committee notes and has regard to the approach set out in the Home Office and DCMS document entitled "Problem Premises on Probation" and annexe A, possible tough conditions to be assembled in packages.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 A letter dated 19 September 2008 was received from Gerry Sutcliffe, Minister for Sport regarding the Government's evaluation of the impact of the Licensing Act 2003 and the enforcement of powers under that Act along with a Ministerial written statement dated 4 March 2008 on that subject and a Home Office paper entitled "Problem Premises on Probation" – Red and Yellow Cards: How it would work."
- 3.2 The Ministerial written statement and Home Office paper recommend an enforcement regime for tackling problem licensed premises.

## 4. CONSULTATION

- 4.1 Consultation has been undertaken with the Licensing Strategy Group which includes members, officers, responsible authorities, the licensed trade and residents associations.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### 5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted: Karen Brookshaw

Date: 23.09.08

### 5.2 Legal Implications:

The licensing authority must have regard to the guidance issued by the Secretary of State in carrying out its functions.

The licensing regime imposes general duties on licensing authorities:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Lawyer Consulted: Rebecca Sidell

Date: 23.09.08

### 5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

### 5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

### 5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety. Council enforcement policy supports fair, consistent, transparent, proportional enforcement.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – DCMS letter from Gerry Sutcliffe, Minister for Sport, dated 19 September 2008
2. Appendix B – Ministerial Written Statement dated 4 March 2008
3. Appendix C – Home Office paper ““Problem Premises on Probation” – Red and Yellow Cards: How it would work.”

### **Documents in Members’ Rooms**

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

### **Background Documents**

1. As Appendices above.

Department for Culture, Media and Sport  
Gerry Sutcliffe MP  
Minister for Sport

2-4 Cockspur Street  
London SW1Y 5DH  
www.culture.gov.uk

Tel 020 7211 6200  
Fax 020 7211 6249

CMS 102866/mk

Brighton & Hove City Council  
King's House  
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19 September 2008



Dear Chief Executive

**LICENSING ACT 2003 ENFORCEMENT**

As you may be aware, the Government's evaluation of the impact of the Licensing Act 2003 in March found that, while the Act was generally working well, the powers available under the Act were not being consistently well used across the country.

These findings were reinforced by the National Audit Office report *The Home Office: Reducing the risk of violent crime*, which looked at the effectiveness of violent crime reduction at a local level, including the approach taken in relation to alcohol related violence. It found that some areas were more effective than others at sharing good practice across partnerships and using the powers available under the Licensing Act alongside other interventions. It recommended that the government should raise awareness amongst partnerships and the police about how the Licensing Act can be used to reduce alcohol related violence and to ensure that all areas are using the Act to its maximum potential to reduce the risk of violent crime.

The Secretary of State for Culture, Media and Sport therefore announced a number of measures to help enforcement authorities, such as the police, trading standards and environmental health officers, take a proactive approach to identifying and seeking reviews of problem premises, and to encourage licensing authorities to consider where tougher conditions might be appropriate following a licence review. A copy of the Secretary of State's written statement to the House of Commons is enclosed for information.

...

A key part of the approach outlined by the Secretary of State was for authorities to use local intelligence and knowledge to identify problem premises and to seek licence reviews with the intention of applying tough conditions as a 'yellow card' with the threat of revocation at a further review (a 'red card') should they fail to improve. Further details are set out in the attached guidance.

...

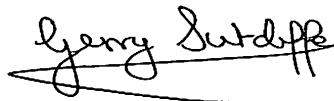


Department for Culture, Media and Sport

Some authorities already adopt a similar approach and the Home Office are organising a series of regional, practitioner focused workshops in November (to be run through Government Offices) on tackling problem premises through effective use of tools and powers, including the Licensing Act. Inevitably, different areas will need to adopt different approaches to reflect their own particular combination of issues in their area. We would like the regional events to identify some practical responses, including better partnership approaches such as sharing data about problem premises, enforcement of existing powers, test purchase campaigns and also the yellow/red card approach that can be tailored to individual areas. Invitations to the events should be issued shortly.

Both the Police observations as part of the campaign to tackle sales to drunks (last December) and the recent KPMG review of industry social responsible retail standards identified a number of premises which were not only breaking the law, but also represented high risks in relation to several of the licensing objectives (not just the prevention of crime and disorder). Some of those would appear to be exactly the kinds of premises where a yellow card backed up by tough conditions might be appropriate. In these circumstances, it is important that all responsible authorities are playing their part in using the 2003 Act to help promote the licensing objectives and to work in partnership to identify and tackle poorly run premises.

I should be grateful if you could share this letter and attachments with colleagues who are responsible for issues relating to the management of the night time economy and with local partnerships, such as your CDRP. I would, of course, be interested in hearing of any successful partnership approaches in your area and how the yellow/red card and tough conditions approaches might be implemented.

Yours  


GERRY SUTCLIFFE



Department for  
Culture, Media and  
Sport  
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www.culture.gov.uk

**MINISTERIAL WRITTEN STATEMENT**

Tuesday 04 March 2008

**EVALUATION OF THE IMPACT OF THE LICENSING ACT 2003**

**LICENSING ACT 2003 AND TACKLING ALCOHOL-RELATED HARM**

**The Secretary of State for Culture, Media and Sport (Andy Burnham):** I am today publishing the evidence gathered so far on the operation of the licensing laws introduced in England and Wales in November 2005, and setting out how we intend to monitor the licensing regime over the next few weeks and months, and the immediate action the Government is taking to tackle alcohol-related problems. Copies of the evaluation report are being placed in the Library of both Houses.

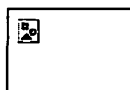
This first review of the Licensing Act reveals a **mixed picture**.

Its introduction has not led to the widespread problems some feared. Overall, crime and alcohol consumption are down. But alcohol-related violence has increased in the early hours of the morning and some communities have seen a rise in disorder.

Our main conclusion is that **people are using the freedoms** but people are **not sufficiently using the considerable powers** granted by the Act to tackle problems, and that there is a need to **rebalance action towards enforcement** and crack down on irresponsible behaviour.

**Some aspects of the Act have worked well.**

Bringing together six previous licensing regimes into a single integrated scheme has resulted in a considerable reduction in red tape – estimated at £99m per annum – with benefits not just for business, but the third sector and non-profit making clubs too.



The Act has also delivered new powers and flexibilities enabling local authorities and police to work in partnership to significantly reduce crime and disorder in some areas.

At the same time, millions of people have been able to enjoy the convenience of shopping at a time that suits them and socialising in restaurants, bars and cafés beyond 11pm.

Furthermore, contrary to popular expectations:

- The average closing time across all on-licensed premises has increased by only 21 minutes since the Act came into effect;
- the overall volume of incidents of crime and disorder has remained stable and not risen; and
- alcohol consumption, rather than increasing, has instead fallen over this period.

In total, fewer than 4% of premises (some 5,100) have licences permitting them to open for up to 24 hours a day - many of which are hotels, stores and supermarkets. Only some 470 pubs, bars and nightclubs have 24 hour licences, but there is no evidence that more than a handful operate on that basis. The British Beer and Pub Association informed a Select Committee recently that there are only two traditional pubs in the entire country that operate for 24 hours.

**But beneath these headline facts the picture is much more mixed.**

Whilst crimes involving violence may have reduced over the evening and night time period, the evidence also points to increases in offences, including violent crimes, reported between 3am and 6am. This represents 4 per cent of night-time offences.

Similarly, whilst there is no clear picture of whether alcohol related demands on A&E services and alcohol-related admissions have risen, some hospitals have seen a fall in demand, others have reported an increase.

It is also clear that the overall reduction in alcohol-related disorder we wanted to see across the country has not materialised consistently in all areas.

The Government remains determined to address these issues, and the report published today has helped us identify a number of ways we can go further to protect the public, both in terms of using all the **flexibilities in the Act to crack down on irresponsible behaviour**, including more caution and conditions when issuing licenses and the withdrawal of licences in certain areas, but also introducing **new initiatives to tackle anti-social behaviour** associated with alcohol consumption.

The announcements today contain measures to target those businesses that continue to sell alcohol irresponsibly and cause harm within our communities.

To specifically address the small but unacceptable proportion of violent crimes occurring in the early hours of the morning, we will undertake further comprehensive **research into post-midnight drinking patterns and their impact on crime and order**, and will not hesitate to take the necessary action through new legislation and enforcement measures to tackle this.

But we will take immediate action now.

First, we will utilise existing **powers to identify problem premises**. We will make it easier to **review premises** where local intelligence suggests there is a problem.

Second, we will encourage the imposition of **tougher sanctions** on those found to be breaching their licensing conditions. This includes the stipulation that there be **far more instant closures** of pubs and clubs in an area where there has been a disorder and indefinite closure by the courts for any breach of licence conditions. We will develop a toolkit for local authorities and police, building on my Rt. Hon. Friend the Home Secretary's recently published Guide for Dealing with Alcohol Related Problems.

Third, we will change the offence of "**persistently selling alcohol to a person under 18**" from 'three strikes' to 'two strikes' in three months. This means that any seller who twice sells to under age drinkers and is caught doing so will immediately lose their licence.

Fourth, we will support the police and local authorities to **identify problem hotspots** by ranking geographical areas and concentrations of premises on the basis of the risks they present to crime and disorder, public nuisance and children. This will allow licensing authorities the ability to exercise **more caution and conditions when issuing licenses, and wholesale withdrawal of licences** in these areas, and permit local authorities and police to **target enforcement resources** more effectively at problem hotspots.

Finally, the message must be clear to all: breach your licensing conditions and you face severe and costly restrictions on your business – with a new "**yellow card and red card**" alert system. A yellow card will put the problem premises on immediate probation together with tough and uncompromising sanctions. And when the circumstances are right, it will be a straight red card leading to withdrawal of the licence.

To tackle wider anti-social behaviour associated with alcohol consumption my Rt Hon Friend, the Home Secretary, will bring forward legislation to:

- **Increase the maximum fine for anyone not obeying an instruction to stop drinking**, or to give up their drink in a designated public place from £500 to £2,500;
- **Make it easier for the police to disperse anti-social drinkers** – both adults and children – from any location – if necessary, we will change the law to make this happen;
- **Extend the use of Acceptable Behaviour Contracts** for young people caught drinking in public, to require them and their parents to attend a session with a trained worker; and
- In addition, we will be extending the **alcohol arrest referral pilots** that my Rt Hon Friend, the Home Secretary, announced last month so that under 18s may also benefit from a brief intervention from a trained worker. This will help deal with young people drinking in public who are already involved in criminal activities.

I, together with my Rt Hon Friend, the Home Secretary, will convene a **summit of police and local authorities** to explore how we can take these proposals forward.

The report published today is not the end of the story. The measures announced today are only part of the Government's comprehensive strategy for combating the problems associated with alcohol.

A significant programme of work is underway over the next 6 months.

We are working with the industry on alcohol advertising, and welcome industry consideration to give much more prominence to **clear information about the dangers of alcohol**, and to actively support Government campaigns to promote sensible drinking. We will strongly encourage them to press on with trials to test their effectiveness. If we need to, we will consider more restrictions.

Later in the year, my Rt. Hon. Friend, the Secretary of State for Children, Schools and Families will publish the Government's action plan on young people and alcohol containing further proposals for reducing drinking by young people specifically.

Later in the spring, my Rt. Hon. Friend, the Secretary of State for Transport, will also set out measures for dealing with the relatively small number of people who continue to think it is acceptable behaviour to **drink and drive**.

The Department of Health will publish the results of the independent study commissioned from the University of Sheffield to look at the evidence on the relation between **alcohol price, promotion and harm** and in response will bring forward necessary action. The real cost of alcohol has fallen to historically low levels, and there is already an emerging consensus that more needs to be done to tackle **irresponsible promotions and deep discounting** that can lead to anti social behaviour. The Government will begin immediate work with the licensing authorities and retailers, including the development of new codes on **responsible sales and promotions** which might be considered as a condition of an alcohol licence.

In conclusion, we are prepared to take action wherever the evidence suggests that it is necessary to tackle the problems associated with alcohol.



**“PROBLEM PREMISES ON PROBATION” – RED AND YELLOW CARDS :  
HOW IT WOULD WORK**

**The problem**

1. In many cases, revocation of a premises licences effectively kills any business which is focused on retailing alcohol. This means that the not only the business owner suffers, but most people working there will lose their livelihoods. Many of these workers will be entirely innocent of any wrongdoing. There is also an impact on those who rely indirectly on income from the premises - such as local food suppliers or cleaning contractors, and the closure of a premises can deprive some communities of their local shop or restrict local consumer choice. Enforcement agencies that apply for reviews and local councillors sitting on licensing committees are well aware of this potential impact and it can lead to a reluctance to use the powers in the Act to revoke the licence instantly for any failure to promote the licensing objectives. This risks patchy enforcement and uneven solutions to alcohol-related problems around the country.
2. In addition, in many cases, enforcement agencies will prefer to negotiate additional voluntary conditions with problem premises against the threat of review as an immediate, pragmatic and less bureaucratic solution. While this may be a reasonable approach in many cases, there is a risk that some premises are not being dealt with as firmly as necessary, particularly given the level of test purchase failures. Nor are voluntary agreements particularly visible, lessening the deterrent effect on other premises.
3. Government wishes to support the enforcement agencies and licensing authorities by providing clear guidance on a “yellow card / red card” system, which would ensure a firm response to problems, but which give premises an opportunity to reform. The intention is that such a system would be highly visible and send a clear message to alcohol retailers, and the public, that action will be taken against those who act contrary to the licensing objectives and the law.
4. The proposed interventions below would not prevent the giving of an instant red card in an appropriately serious case. It should be realised that a

"test purchase" failure often masks multiple offences that have gone undetected.

### **Supporting enforcement agencies**

5. The Government will encourage enforcement agencies – mainly the police, trading standards officers and environmental health officers – to seek more reviews in the knowledge of the yellow card/red card system described below. This will mean not giving informal warnings. It will mean that on identifying problem premises, the licensing authority will be engaged faster than it might have been in the past.

6. Enforcement agencies would be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children or causing other crime problems or causing noise nuisance.

7. Under the law, the licensing authority must then hold a hearing so long as the application relates to one of the four licensing objectives and is made by a responsible authority or by an interested party like a local resident or another local business.

### **First intervention**

8. Responsible authorities will be encouraged to propose a package of tough new conditions to be added to the existing conditions which are designed to combat the identified problem. The kinds of conditions that we have in mind are set out in Annex A. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises. Such action should be supplemented where appropriate by:

- Removal of the designated premises supervisor and his/her replacement (the manager is removed);
- Suspension of the licence for between 1 day and 3 months according to the circumstances.
- Restriction on trading hours – cutting hours of trading in alcohol.
- Clear warning that a further appearance will give rise to a presumption of revocation.

9. If appropriate following review, the licensing authority should consider these packages of conditions and actions to challenge problem premises more aggressively.

10. For example, requiring a major supermarket to make all alcohol sales through a single till manned by a person aged 25 years or older in order to tackle sales to underage. Over a year, this would potentially cost such a supermarket £millions. It would also make them reflect on their levels of

supervision at other stores.

11. In addition, enforcement agencies should make the premises in question a priority for test purchases and more regular inspections.

12. The aim would be to put the premises on probation. Effectively, they are given a yellow card. They are put on notice that the next offence or breach would mean an automatic second intervention – a red card.

### **Second intervention**

13. In the absence of improvement, enforcement agencies should seek another review. The licensing authority again must grant a hearing.

14. If satisfied on the issue of the lack of improvement, the licensing authority should look to **revoke the licence**. The action should be publicised in the area as an example to other retailers.

### **Implementation**

15. Requires:

- Development with the Home Office of a toolkit and guidance for police, trading standards and ethos;
- Initial letters to Leaders of local authorities and Chief Executives;
- Ultimately, stronger statutory Guidance to be laid in Parliament for licensing authorities themselves.

16. Central Government cannot tell licensing authorities what to do. The review powers are devolved to them. Similarly, central Government cannot direct enforcement agencies how to enforce the law. It would remain their judgement when and how to act.

### **ANNEX A: POSSIBLE TOUGH CONDITIONS TO BE ASSEMBLED INTO PACKAGES**

n.b. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises.

#### **GREATER CONTROL OVER SALE**

1. Designated checkout(s) for alcohol sales (supermarket). Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).
2. Personal licence holder/DPS to be on site at all times during sales of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
3. Personal licence holder/DPS to supervise and authorise every individual sale of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
4. SIA registered security staff to be present at points of sales to support staff refusing sales to u-18s and drunks.
5. Alcohol sales only to be made only by person aged not less than 25 years. Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).
6. CCTV installed at all points of sale and recorded. Recordings can be examined by a constable or trading standards officer to determine sales to minors or drunks

#### **TRAINING**

7. All staff to read and sign a declaration that they understand the law every time they start a shift.
8. Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and training standards officers. Impact on all licensing objectives.

#### **ALCOHOL SALE BANNED AT CERTAIN HOURS**

9. No alcohol sales Mon – Fri between 4pm and 8.30pm. Impact on protection of children from harm or targeted hours reflecting times when local intelligence indicates under 18s may be purchasing alcohol.



10. No alcohol sales --- Friday to Sunday. Impact on all four licensing objectives.

**ALCOHOL DISPLAYS**

11. No displays of alcohol or advertising of alcohol promotions that can be seen from outside the premises.

12. No alcohol stocks promoted alongside goods likely to appeal to children (eg. confectionary, toys).

**CUTTING DOWN ON SHOPLIFTING**

13. SIA registered security staff to be present at alcohol aisles during opening times to prevent attempted under age sales or theft.

14. Location of alcohol stocks/displays not to be sited near the entrance/exit to deter shoplifting.

15. No direct public access to alcohol products – like tobacco, alcohol to be kept behind a dedicated kiosk.

**NAMING AND SHAMING**

16. Display an external sign/yellow card to state which of the licensing act objectives they have breached and what action has been taken against them.

**OTHERS**

17. Maintain a log of all under attempted purchases from those who appear to be under 18 or drunk.

18. Children aged under [18 years] not to be present or (not more than one child at any one time) on premises (other than children living on the premises or of the people working on the premises); or only children under 18 accompanied by an adult to be permitted on the premises during retailing hours. Impact on protection of children from harm.

19. Products to be labelled (a label stuck to the bottle or can) to show the details of the shop from which it was bought. Purpose would be to provide evidence of unlawful sales if product found commonly in possession of persons under 18.

20. Designated single items --- beer, alcopops and cider ---- not to be sold to any person. Impact on protection of children from harm. Purpose would be to reduce sales to children and drunks. Alternative would be to prescribe sales of beer, alcopops and cider in quantities of less than four.

21. CCTV installed, monitored and 24 hour recordings kept for a week and made available to constables and persons authorised under the 2003 Act to help identify attempted proxy purchasing.

# LICENSING COMMITTEE

(Licensing Act 2003 Functions)

## Agenda Item 23

Brighton & Hove City Council

**Subject:** Health Impact Assessment of Licensing  
**Date of Meeting:** 27 November 2008  
**Report of:** Director of Environment  
**Contact Officer:** Name: Jean Cranford **Tel:** 292550  
Tim Nichols 292163  
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[tim.nichols@brighton-hove.gov.uk](mailto:tim.nichols@brighton-hove.gov.uk)  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Annual Report of the Director of Public Health 2007 highlights the area of alcohol misuse.
- 1.2 The government's strategy: "Saving Lives, our healthier nation" committed itself to reducing binge drinking and promoting responsible alcohol retailing.
- 1.3 The national alcohol harm reduction strategy seeks to improve health and treatment, increase education and communication, tackle crime and disorder and work with the alcohol industry to develop responsible marketing.
- 1.4 The most recent national alcohol strategy was published last year by the Department of Health and called "Safe, Sensible, Social". It identified a need to ensure licensing laws protect young people from alcohol fuelled crime and disorder, to sharpen the focus on 18-24 year old binge drinkers and harmful drinkers and to promote sensible drinking.
- 1.5 The purpose of this report is to apprise licensing members of work funded by the PCT and commissioned by the city council to appoint consultants to undertake a health impact assessment into flexible licensing hours in Brighton and Hove.

#### 2. RECOMMENDATIONS:

- 2.1 That this report is noted.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Brighton & Hove City Council has been granted funding by Brighton & Hove Primary Care Trust and City Council Directorate of Public Health. Consultants chosen by competitive tender are Ben Cave Associates Ltd.

who are experienced, specialist health impact assessors, recognised nationally and internationally.

- 3.2 The Licensing Act 2003 establishes a single integrated scheme for licensing premises, which are used for the supply of alcohol, to provide regulated entertainment or to provide late night refreshment. The Act contains measures to provide more flexible opening hours for premises, with the potential for up to 24 hour opening, seven days a week, subject to representations from local residents, businesses and responsible authorities.
- 3.3 The stated objectives of the Act are: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm.
- 3.4 The Government's Alcohol Harm Reduction Strategy includes measures to change attitudes to irresponsible drinking and behaviour, including:
  - making the sensible drinking message easier to understand and apply;
  - targeting messages at groups such as binge drinkers and chronic drinkers;
  - providing better information for consumers, on products and at the point of sale;
  - providing more support and advice for employers.
  - Safe. Sensible. Social – the next step in the National Alcohol Strategy (DH, 2007) identifies the need to:
    - Ensure that the licensing laws protect young people from alcohol-fuelled crime and disorder;
    - Sharpen the focus on under 18s, 18-24 binge drinkers and harmful drinkers;
    - Promote sensible drinking through investing in better information and communication.
- 3.5 The Public Health White Paper, Choosing Health, includes measures to work with the alcohol industry to promote sensible drinking.
- 3.6 At the 31/3/2007, there were 1089 licensed premises and there were 1025 at transition in November 2005. The main effects of the new Act appear to be longer opening hours (but not 24/7) and more convenience stores becoming "off-licences". One of the key protections for local residents for premises not supporting licensing objectives (crime prevention, public safety, public nuisance and protecting children) is the review process where a licence can be reviewed. Since transition, there have been over 20 reviews including five police closures for disorder. The results were that two licences have been revoked (a violent pub and an off licence persistently selling to young people – u 18s) three off licences received licence suspensions for persistent sales to children, many licences had conditions modified to either prevent noise nuisance or restore order, others were given advice or no further action.

- 3.7 The Director of Public Health reported last year that our city was in the worst quintile in England for alcohol related months of life lost, alcohol specific hospital admission, alcohol related violent and sexual offences and an estimate of binge drinking (adults consuming double daily recommended level in one sitting). Recent trends of violent crime show decline. As at end of June 2008 violent crime in a public place is down 32% compared to same time last year (source – Paul Knight, Crime Reduction Officer, John Street Police Station, Brighton).
- 3.8 Indicators to be used in this study are:
1. Reduce impact on acute hospital
  2. Reduce public place violent crime
  3. Reduce domestic violence
  4. Reduce alcohol related offending
- 3.9 Impacts that can also be measured, indirectly impacting on health, include enforcement outputs like reviews, fixed penalty notices, legal action etc. plus alcohol linked suicide and noise complaint and enforcement statistics.
- 3.10 The interim report is appended and a final report is due at the end of this financial year.
- 3.11 The health impact assessment may be used to inform statement of licensing policy, local alcohol harm reduction strategy, community safety, transport, tourism, economic development, community development and violent crime reduction strategies.

#### **4. CONSULTATION**

- 4.1 The steering group for the Health Impact assessment comprises:  
 Cllr Carol Theobald, Cllr Jeane Lepper, Adam Bates, Linda Beanlands, Terry Blair-Stevens, Jean Cranford, Barbara Hardcastle (PCT), Steve Hodson (ESFRS), Peter Mills (Sussex Police), Tim Nichols, Chris Owen, Chris Parfitt, Liz Rugg, Becky Woodiwiss (PCT), Mike Taggart, Graham Stevens, Chris Wilson, Nigel Liddell (Brighton Business Forum), Sussex Ambulance Service, Paul Iggulden and Erica Ison (Ben Cave Associates)

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The full cost of delivering the report will be covered by the PCT funding of £34,000 already received by B.H.C.C.  
*Finance Officer Consulted: Karen Brookshaw Date:22/10/2008*

##### Legal Implications:

- 5.2 There are no direct legal implications.

*Lawyer Consulted: Rebecca Sidell*

*Date: 24.10.08*

Equalities Implications:

- 5.3 Alcohol related crime, violent offences and sexual offences are areas of concern nationally and for the city.

Sustainability Implications:

- 5.4 Business tourism is the fastest growing domestic market (reference Brighton & Hove Strategy for Visitor Economy 2008 – 2018)

Crime & Disorder Implications:

- 5.5 40% of recorded violent crime is alcohol related and Brighton & Hove is second highest to Hastings in the South East Coast strategic health authority (reference Annual report DPH 2007). The Community Safety Strategy aims to reduce alcohol related anti-social behaviour.

Risk and Opportunity Management Implications:

- 5.6 No assessment has been made locally of the impact of the new licensing laws on health.

Corporate / Citywide Implications:

- 5.7 Alcohol related harm indicators for the city include alcohol related months of life lost, alcohol specific hospital admissions, and alcohol related crime.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Flexible alcohol licensing hours in Brighton and Hove Rapid assessment of health impacts

### **Documents In Members' Rooms**

1. None

### **Background Documents**

1. The Annual Report of the Director of Public Health 2007

# Report of second stage: Flexible alcohol licensing hours in Brighton and Hove Rapid assessment of health impacts

September 2008

## Report Authors

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## Contents Amendment Record

This report has been issued and amended as follows:

Issue	Revision	Description	Date	Signed
First	V1	For internal QA	26th September 2008	Paul Iggulden
Second	V4	Issue for SG	30th September 2008	Paul Iggulden Ben Cave Erica Ison

Prepared by

Ben Cave Associates Ltd

Commissioned by

Brighton and Hove City Council

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## Abbreviations and acronyms

BME	Black and Minority Ethnic
DES	Direct Enhanced Services
GP	General Practitioner
HIA	Health Impact Assessment
LAPE	Local Alcohol Profiles for England
PCT	Primary Care Trust

SBI .....	Screening and Brief Interventions
SOA .....	Super Output Area
WHO.....	World Health Organization

## 1. Introduction

1.1 In May 2008 Ben Cave Associates (BCA) were commissioned by Brighton and Hove City Council to undertake the Health Impact Assessment (HIA) of the Introduction of Flexible Alcohol Hours in Brighton & Hove.

1.2 The outline proposal for the assessment identified four key stages as:

- First stage: project start up;
- Second stage: Literature review - scoping and review of key documents and evidence;
- Third stage: Stakeholder consultation; and
- Fourth stage: Appraisal and analysis and preparation and presentation of final report.

1.3 An inception meeting was held on 14<sup>th</sup> July 2008 and the project scope as set out in the outline proposal agreed.

1.4 This briefing report provides a combination of report on progress made to date, initial findings from the project and methodology for consultation approach.

1.5 The report is provided to the full Steering Group for the first meeting on 7<sup>th</sup> October 2008. There are a number of questions raised in the report for Steering Group members to consider. Discussion of these at the Steering Group meeting will help us in progressing the project.

*Key questions: these are included in the report in italics and summarised below:*

*Key question 1: are there suitable events at which the HIA consultant team could discuss issues relating to alcohol with children and young people?*

*Key question 2: Do Steering Group members wish to amend the list of issues to be investigated?*

*Key question 3: what period does the Steering Group suggest is chosen as the monitoring baseline period?*

*Key question 4: Would Portsmouth or Southampton represent an appropriate comparator?*

*Key question 5: Are there specific communities that the Steering Group wishes to monitor impacts on?*

*Key question 6: we welcome feedback from Steering Group members on these schema and in particular on the completeness of Figure 6 (benefits) and Figure 7 (harms)*

*Key question 7: Do Steering Group members have a view on the number of indicators they would wish to see used to monitor impacts and the relative importance of comparing Brighton and Hove with other areas versus comparing parts of the City with the whole?*

### Update on first stage progress

1.6 The outline proposal for this assessment identifies the following outputs for the first stage:

- Steering group convened;
- Agreed list of risks to this contract;
- Agreed scope;
- Agreed methodology;
- Agreed timeline;
- Agreed consultation strategy.

1.7 In the following points we discuss progress made against these outputs.

1.8 An inception meeting was held on 14<sup>th</sup> July with BCA consultants and Brighton and Hove City Council commissioners (Tim Nichols, Head of Environmental Health & Licensing and Jean Cranford, Licensing Manager).

1.9 The project scope, methodology and timeline as per the outline proposal were discussed and agreed. It was noted that the indicative timeline detailed in the proposal was subject to a one month delay as a result of the project starting one month later than forecast.



1.10 The project is anticipated to report by end of January 2009.

1.11 The four key stages to the project are detailed at 1.2 of this report; the outline project proposal is available on request.

### **Risk management**

1.12 Project risks were discussed by BCA consultants and it was agreed that these should be reported as part of this interim report.

1.13 BCA have identified the following risks to completion of the assessment:

- The HIA in itself will not change perceptions though it will be a valuable source of information to support such change;
- A multi-agency Steering Group representative of the wide range of key stakeholders is vital to this assessment;
- Lack of agreement on project scope / emphasis of approach will make meeting expectations difficult;
- Failure of consultation approach to engage with the wide range of stakeholders;
- Consultants unable to access the full spectrum of available data for the monitoring review; and
- The HIA gives rise to adverse publicity regarding the impacts of flexible licensing hours.

1.14 In discussion at the inception meeting it was agreed that the first and last mentioned risks above would be best minimised by the adoption of a proactive communications strategy for the assessment and subsequent findings.

### **HIA Steering Group**

1.15 The inception meeting agreed the need for a multiagency Steering Group.

1.16 BCA were requested to provide a list of potential Steering Group members, terms of reference for the group and text for an invitation letter.

1.17 The invitation letter and terms of reference were e-mailed by JC to potential Steering Group members.

1.18 The full Steering Group will meet twice, following the second and fourth stages of the HIA.

### **Structure of report**

1.19 A consultation strategy for the HIA has been agreed by the HIA Management Team. This methodology is detailed in Section 2 of this report.

1.20 A review of policy has been undertaken. This gives the context for flexible licensing hours and is reported in section 3.

1.21 Understanding the health and well being of the local population is a key part of a health impact assessment. An initial profile is provided in section 4.

1.22 Section 5 of the report details the approach being used to establish indicators for monitoring impacts arising from the introduction of flexible licensing hours.

1.23 The policy context, population profile and methodology sections will form the basis of sections for the final report.

## **2. Methodology for consultation**

2.1 This section provides an overview of the consultation strategy agreed by the HIA Management Team. The consultation strategy addresses the following:

- key stakeholder groups to consult;
- methods of consultation;
- agreed approach to consultation;
- issues to be explored during consultation;
- outputs from the consultation events;

- miscellaneous.

### Stakeholder groups for consultation

2.2 The following stakeholder groups were agreed as key groups to consult:

- Councillors;
- Drug and Alcohol Action Team & their extended networks, e.g. Community Safety Partnership, Crime & Disorder Reduction Partnership, Magistrates Court, and Services for Children and Young People;
- Licensees and other business interests and associations;
- Public sector staff on “frontline” – ambulance, A&E, police & fire & rescue, including dedicated team for West Street; and
- General public, including residents associations/networks.

### Methods of consultation

2.3 The following methods of consultation were identified as appropriate for the timeframe and resources available for this HIA:

- stakeholder workshop, 3.5 hours;
- focus groups, 1-1.5 hours;
- one-to-one interviews; and
- group interview.

### Agreed approach to consultation

2.4 The agreed approach was informed by the recent consultation as part of the HIA of the Open Market in Brighton.

2.5 This suggested that (consultant) time is used most effectively if there are a number of consultation events clustered together over a short period.

2.6 Focus groups (1-1.5 hours) for particular stakeholder groups are more attractive than longer workshop events; providing a choice of focus groups at appropriately selected times of the day will increase the likelihood of stakeholder participation.

2.7 The agreed general approach, to maximise impact of the available consultants’ time, is detailed below (Table 1: Consultation approach).

**Table 1: Consultation approach**

	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>
<b>Morning</b>		Stakeholder workshop: public & voluntary sector & transport providers	Interviews – one-to-one or group: frontline staff
<b>Afternoon</b>	Focus group: Public/residents	Focus group: Licensees/business	Focus group: councillors
<b>Early evening</b>	Focus group: Licensees/business	Focus group: Public/residents	

### Engagement with children and young people

2.8 The timeframe and budget allocated to this HIA are not sufficient for the HIA team to develop and deliver consultation with children and young people using peer-consultation techniques (usually the most appropriate and effective with respect to sensitive issues such as alcohol use).

2.9 However, it would be possible to conduct focussed consultation with children and young people at events which are already scheduled and where the staff involved enjoy a rapport, and have established trust, with the children/young people.

2.10 The consultant team would develop the materials for the consultation and agree the most appropriate course of action with the responsible adults. This might mean leading the consultation with support, observing the consultation and answering questions or simply receiving the results. We would work at all times with the responsible staff and we would work to BCA Child Protection Policy and the Child Protection Policy of the host organisation.

*Key question 1: are there suitable events at which the HIA consultant team could discuss issues relating to alcohol with children and young people?*

### **Issues to be explored during consultation events with particular stakeholder groups**

2.11 This section outlines the key issues to be investigated through consultation events.

*Key question 2: Do Steering Group members wish to amend the list of issues to be investigated?*

#### **General**

2.12 We will use the following questions to frame the consultation with all groups:

- What are your concerns about the proposal?
- What are your positive expectations about the proposal?
- What do you think will be the harmful or negative effects on health and well-being?
- What do think will be the beneficial or positive effects on health and well-being?
- How could we reduce, minimise or avoid the harmful or negative effects?
- How could we enhance the positive effects?

2.13 The use of these questions will be supported by an appraisal tool developed from the Brighton & Hove Health Considerations Checklist and the Barton and Grant health map, and informed by previous HIA work by Ben Cave Associates on the Alcohol Harm Reduction Strategy for the Department of Health and Home Office (1).

2.14 All participants will be asked to consider effects on the population as a whole, and relevant vulnerable groups within the population, e.g. children and young people, and people who have problems with alcohol use. In addition, the results of previous surveys on this issue will be taken into account when developing the framework for any of the consultation events.

#### **Specific issues to be addressed with different stakeholder groups**

2.15 Public & voluntary sector staff

- Barriers to or conflicts around the implementation of the proposal
- Suggestions for consideration during the forthcoming Review of Licensing Criteria
- How the HIA results can be used to enhance:
  - a. the local Alcohol Harm Reduction Strategy;
  - b. the statement of licensing policy;
  - c. implementation of the Tourism Strategy;
  - d. implementation of the Crime Reduction Strategy;
  - e. the provision of children's and youth services.

2.16 Licensees/business interests

- Suggestions for consideration during the forthcoming Review of Licensing Criteria
- How the HIA results can be used to enhance implementation of:
  - a. the local Alcohol Harm Reduction Strategy;
  - b. the statement of licensing policy;
  - c. the Tourism Strategy;
  - d. the Crime Reduction Strategy.

#### **Outputs from the consultation events**

2.17 The consultant team will produce a thematic summary of the collected responses from all consultation events for distribution to participants for their information. The responses from the consultation events will also be used in the Final HIA Report and Public Health Management Plan.

2.18 The consultant team will not be producing transcripts for any of the consultation events. If transcripts are required under Brighton & Hove City Council's and/or Brighton and Hove City Teaching Primary Care Trust's public consultation policies or strategies, it will be necessary for either City Council or PCT staff to undertake this task or for additional resources to be made available.

### 3. Population health profile for Brighton and Hove

#### Key demographic data

3.1 The population of Brighton and Hove City differs from the national population by having a higher proportion of young adults and fewer children. This is particularly the case among the more deprived parts of the city (2;3).

3.2 The resident population for Brighton and Hove City in 2001 was recorded as 247,817. Compared with the national picture there is a higher proportion of young adults (aged 16 to 44 years) and elderly (over 75 years) compared with England and Wales and relatively fewer children (under 16 years) and older working age adults (aged 45 to 64 years).

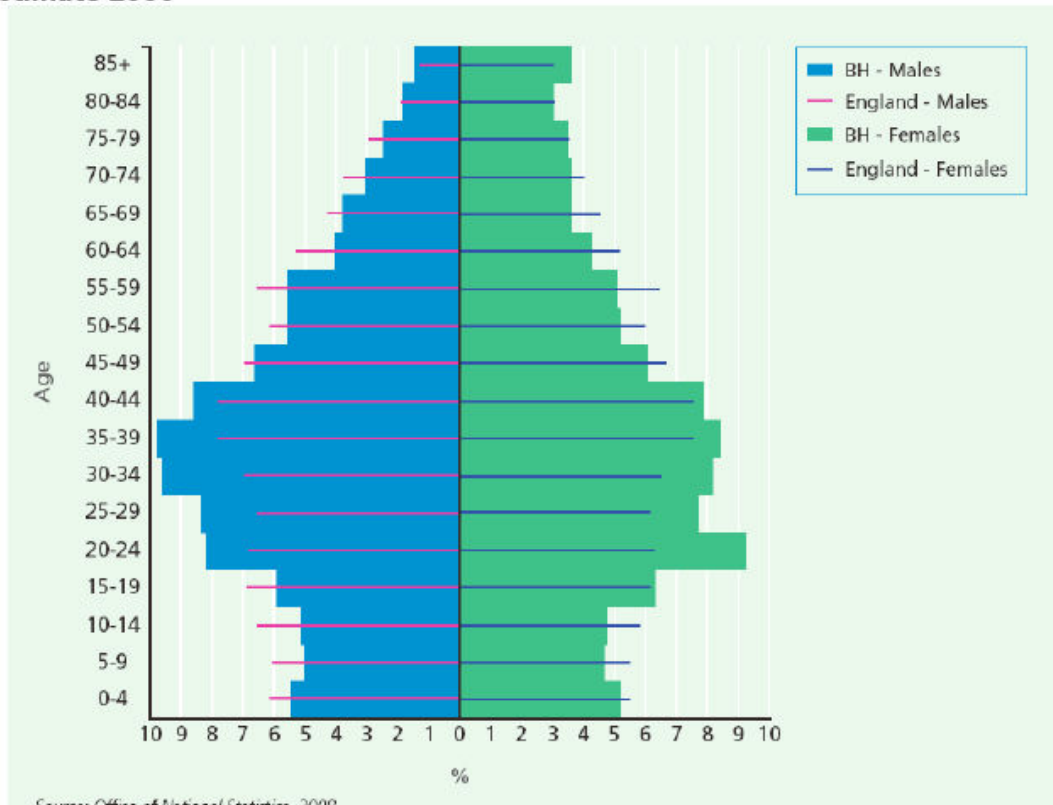
Between the 1991 and 2001 Censuses, the growth rate of Brighton and Hove was similar to the national growth rate (2%), but lower than the average growth in the South East (4%) (4;5). Estimates for mid-2005 indicated that there were 255,022 people living in Brighton and Hove (6).

3.3 Figure 1 shows the population age and sex structure for Brighton and Hove in comparison with England as a whole. Brighton and Hove have a relatively young population compared with England, though this is not because of an above average proportion of children. The proportion of children less than 16 years of age (16.65%) is substantially less than the rest of the South East (19.93%), and England and Wales (20.16%). However, the city has a relatively high proportion of 16-44 year olds. This may be partly attributed to the high proportion of university students who live in Brighton and Hove (6).

3.4 The proportion of children aged 15-19 years is projected to decrease over the next ten years whereas the population aged 10–14 years, 5–9 years and particularly 0–4 years is set to increase. This has obvious implications for services such as maternity services, health visiting services, primary school services, and in later years, services for teenagers and adolescents including secondary school services (6).

3.5 There are more females (51.6%) than males (48.4%) in Brighton and Hove (4). Women generally have greater morbidity, but longer life expectancy than males.

**Figure 1: Population of Brighton and Hove compared with England mid-year estimate 2006**



Source: Office of National Statistics, 2008

3.6 Eighteen percent of the population of the city (or 44,893 people) were migrants in 2001 (4), placing Brighton and Hove as the area with the highest percentage of migrants in the South East and the 15<sup>th</sup> highest percentage nationally. A migrant is defined as a person whose address one year before the census was different from their address on census day. Migrants are people who either moved into the area, out of the area or within the area in the year before the census was undertaken. The city had a net in-migration of 5,139 people over this period (5).

3.7 Among Black and Minority Ethnic (BME) groups, nearly a third (29.8%) were migrants, compared with 18% for the city on average (4). This is higher than the percentage of all people in BME groups who are migrants in the South East and considerably higher than the percentage for England and Wales. This means that BME groups are far more likely to move, either within the city or in or out of the city, than people of white ethnic background. There was a net in-migration of 885 people belonging to a BME community (5).

3.8 Approximately 10% of the total population in Brighton and Hove belong to a BME group. However, among 16-24 year olds this figure is much higher (17.5%). This may be influenced by the high student population, although even in the younger 0-15 year age range there are more children and young people from BME groups than there are among adults. The BME population in Brighton and Hove is very diverse and there are no outstanding groups (6). BME populations often experience poorer health and have unequal access to health services compared with the general population.

3.9 The white non-British population is larger overall than the non-white population in the city. Over one quarter of white non-British residents were born in Ireland and the remainder in other EU countries, with an estimated 1000 white residents originating from Eastern Europe (6). Eastern European migrant workers have unique health needs, compared with the White British population.

### **Key health indicators**

3.10 On the average, residents of Brighton and Hove do not enjoy the same level of health as the population of England. Although all-cause mortality and stroke and heart disease deaths have decreased for both men and women over the last 10 years, life expectancy in men, infant deaths and early deaths from cancer are worse than the England average (7).

3.11 The percentage of people with a limiting long-term illness in the city was estimated to be 18.3% at the 2001 Census. Limiting long-term illness includes any long-term illness, health problems or disability, which limits daily activities or work. At that time, the percentage was similar to the national average for England and Wales, though greater than the 15.5% in the South East. Among those of working age, 13% of Brighton and Hove residents had a limiting long-term illness compared with 10.6% in the South East generally (4;5).

3.12 When asked about their health, the majority of residents responded that they were in good health (68%), which is similar to the average of England and Wales. The proportion of those who were not of good health (9%) was also similar to the national average (4;5).

3.13 People in Brighton and Hove engage in several adverse health-related behaviours. More than 1 in 4 adults are estimated to smoke which is higher than the England average. The rate of hospital stays related to alcohol is high with 1,200 admissions a year. Drug misuse is more common than in England, though binge drinking is similar. The level of people recorded with diabetes, however, is better than the England average. Also lower than average, an estimated 1 in 5 adults are obese. The percentage of children in Reception classified as obese is again lower than the England average (7).

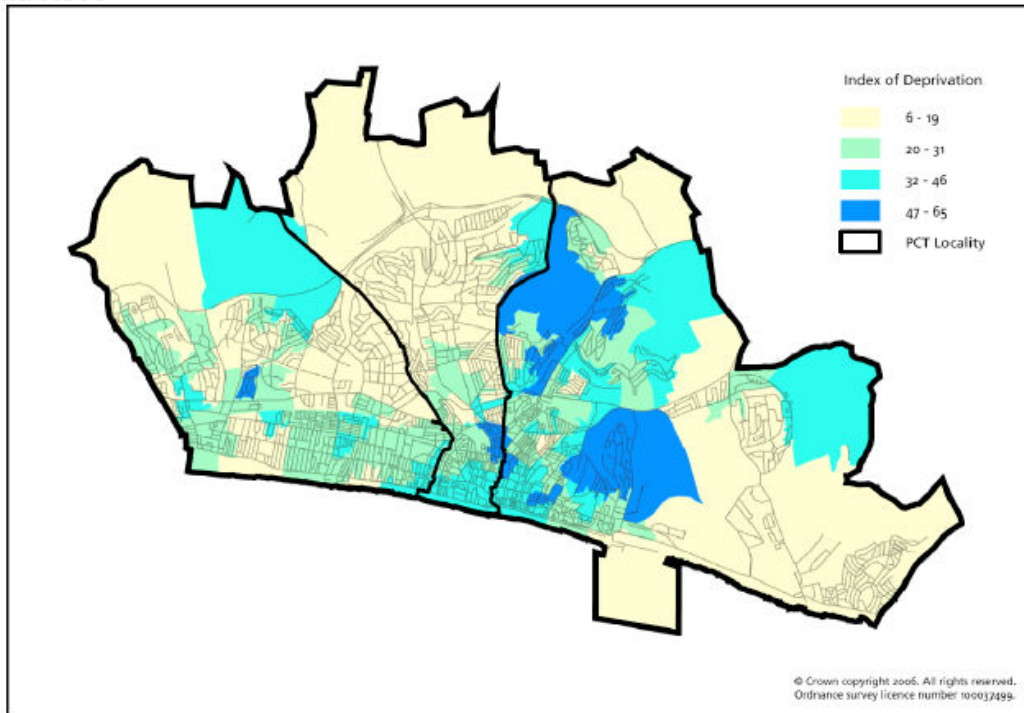
3.14 Brighton and Hove has relatively high levels of deprivation compared with regional and national averages. Fifteen of the 164 lower layer super output areas (LSOAs) in the city are in the 10% most deprived across England and 35 (21%) LSOAs are among the 20% most deprived in England (see Figure 2). Children with multiple needs, children with disability and children of lone

parents are heavily concentrated in the most deprived areas of the city. More than half of lone parents and carers in the city are out of work and 30% of all Brighton and Hove's children and young people live in a lone parent household where the parent is out of work (6).

3.15 Location, gender and deprivation contribute to health inequalities in Brighton and Hove. Life expectancy for men is reduced by seven years for those living in deprived areas and by four years for women. Child poverty is on the average significantly worse than in the England population (6).

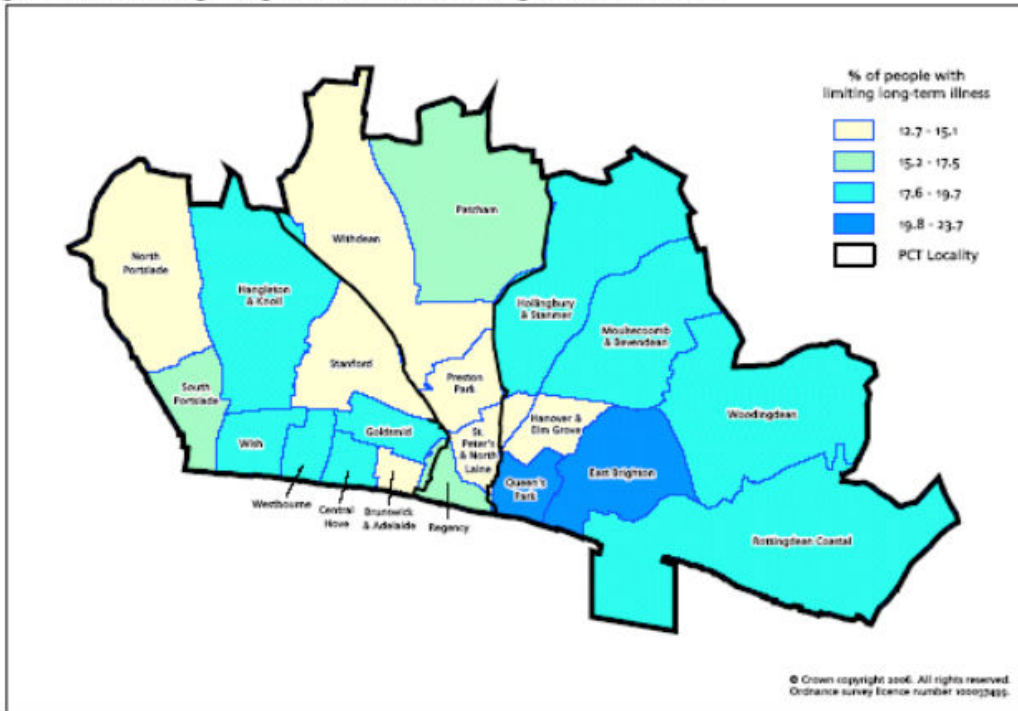
3.16 The pattern of self-reported limiting long-term illness in Brighton and Hove is shown in Figure 3.

**Figure 2: Index of multiple deprivation (2004) by super output area in Brighton and Hove**



Source: Public Health Directorate, Brighton and Hove City PCT

**Figure 3: Limiting long-term illness in Brighton and Hove**



Source: Citystats, Census 2001.

### Alcohol-related Harm in Brighton and Hove

*"Pubs and clubs play an important role in our city's culture and economy but alcohol is a factor in at least 40% of violent crime... Through Operation Athlete almost 200 parents of children who have had alcohol confiscated have been sent information about alcohol, young people and risks ... Brighton & Hove is known as a good place to enjoy pubs and clubs but people want to be confident drunken behaviour won't spoil their enjoyment."* (8).

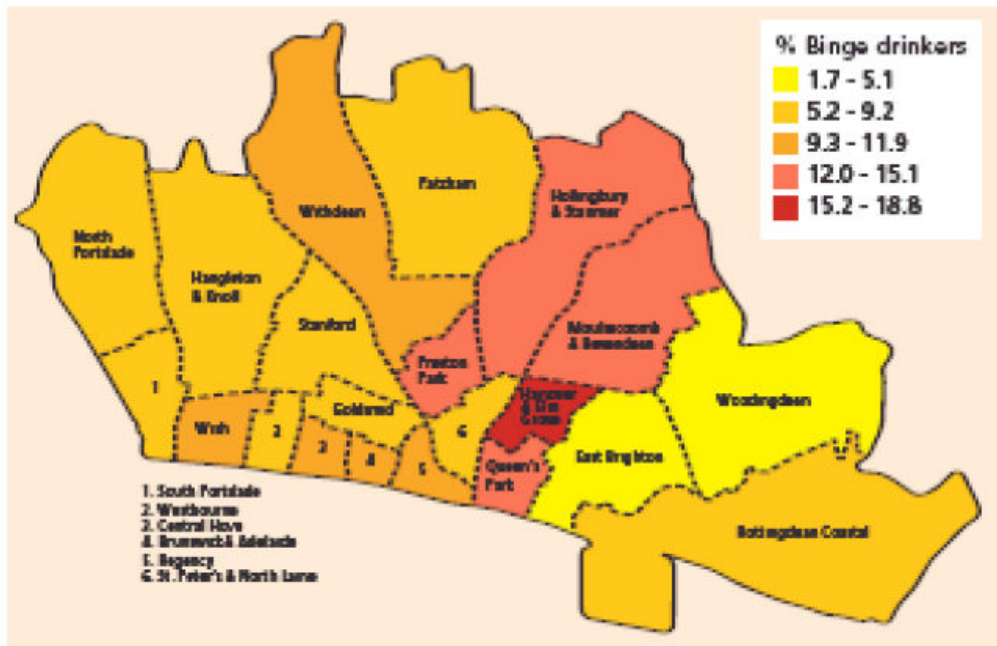
3.17 The alcohol-related harm profile is significantly worse in Brighton and Hove compared with the national average. Among men, there are significantly greater alcohol-specific mortality and hospital admission rates. Among women, hospital admission rates are higher compared with the England population (9).

3.18 Compared with regional averages, residents of Brighton and Hove have:

- lost more months of life due to alcohol
- greater alcohol-specific mortality, alcohol attributable mortality and mortality from chronic liver disease
- been admitted to hospital more frequently due to alcohol-related harm or other alcohol-specific or alcohol-attributable reasons
- committed more alcohol related crimes, including violent crimes and sexual offences
- more frequently made alcohol related claims for incapacity benefits among working-age people
- been more likely to engage in hazardous, harmful and binge drinking
- more employees that work in bars
- fewer alcohol attributed land-transport accidents
- fewer alcohol-specific hospital admissions for under 18s (9)

3.19 The Sustainable Community Strategy for Brighton and Hove plans to address the city's alcohol problems by educating residents, especially children and young people, about sensible drinking; developing an Alcohol Harm Reduction Strategy; and by increasing the availability of drug and alcohol treatment (10).

**Figure 4: Percentage of residents reporting binge drinking in previous 7 days**



From Brighton and Hove PCT (3)

Note: The definition of binge drinking is drinking over twice the daily guidelines in one day (8+ units for men and 6+ for women) (11).

## 4. Alcohol Policy Context

### National Context Health

4.1 In 2004, the Government published the Alcohol Harm Reduction Strategy for England (12). It was the first cross-government statement on the harm caused by alcohol, which included a shared analysis of the problem and the programme of action to respond. In June 2007, the Department of Health and the Home Office jointly launched an updated government alcohol strategy, *Safe Sensible Social: The next steps in the National Alcohol Strategy* (13), setting out clear goals and actions to promote sensible drinking and reduce the harm that alcohol can cause. The strategy outlines a coordinated response across a wide range of areas including local communities, the police, local authorities, the NHS, voluntary organisations, the alcohol industry, the wider business community and the media.

4.2 The *Choosing Health* White Paper (14) stresses the role of the individual in improving and maintaining health:

'Interventions and policies designed to improve health and reduce health disadvantage should provide the opportunity, support and information for individuals to want to improve their health and well-being and adopt healthier lifestyles. Policy cannot – and should not – pretend it can 'make' the population healthy. But it can – and should – support people in making better choices for their health and the health of their families. It is for people to make the healthy choice if they wish to'.

4.3 The Wanless review (15) outlines the rights and responsibilities between the individual and government:

"... people need to be supported more actively to make better decisions about their own health and welfare because there are widespread, systematic failures that influence the decisions individuals currently make ... These failures can be tackled not only by individuals but by wide ranging action by health and care services, government – national and local, media, businesses,



society at large, families and the voluntary and community sector. The main levers for Government Action include taxes, subsidies, service provision, regulation and information”.

4.4 The Commissioning Framework for Health and Well-being (16) builds on the White Paper *Our health, our care, our say* (17), which promised to help people stay healthy and independent, to give people choice in their care services, to deliver services closer to home and to tackle inequalities. The Framework identified alcohol-related disease to be a major contributor to health inequalities. It also emphasized the need for the education of children and young people about alcohol. The Framework will include an interactive web-based commissioning tool; a web-based local alcohol profile; data on the contribution of alcohol to different types of health and crime harm; guidance on developing local indicators; and guidance on the Commissioning Framework for Health and Wellbeing and alcohol.

4.5 The Department of Health has stated in *Alcohol Misuse Interventions: Guidance on developing a local programme of improvement* (18) that it will provide guidance on developing local programmes for screening and brief interventions of hazardous and harmful drinkers, together with guidance on treatment for dependent drinkers. The Department of Health will also work with the regulatory bodies to support local health and social care organisations in responding to the findings of any reports produced by the regulatory bodies.

4.6 *Alcohol Needs Assessment Research Project* (19) was commissioned by the Department of Health. It presents information at a national and regional level to highlight the range of alcohol use disorders in the population and the range of services currently available to offer treatment for alcohol problems. The report identifies gaps in services and the regional variations in access to current treatment.

4.7 The report, *Indications of Public Health in the English Regions 8: Alcohol* (20), produced alongside the national strategy, contains 84 separate measures (comprising 36 different indicators) relating to individual, community and population implications of alcohol use, with various measures of the effects this has on health and wellbeing, focusing on the nine English regions. Where possible, the situation in England has been put into a wider European context with comparators across the rest of the UK and other EU countries.

4.8 The *Local Government and Public Involvement in Health Act 2007* (21) requires PCTs and local authorities to produce a *Joint Strategic Needs Assessment (JSNA)* of the health and wellbeing of their local community. As of April 2008, PCTs will also be required to include alcohol in their JSNAs (22).

4.9 The Department of Health launched a *National Alcohol Harm Reduction Campaign* on May 19, 2008 to raise awareness of alcohol units and the health risks of regularly exceeding Government 'lower-risk' drinking levels (23).

4.10 A new NHS guidance document has been released, *Clinical directed enhanced services (DES) guidance for GMS contract 2008/09* (24), to support the delivery of clinical directed enhanced services, alcohol being one of the five key health and service priorities. The DES allows specific funding for GPs to deliver *Screening and Brief Interventions (SBIs)* to newly registered patients. The DESs began in April 2008 and are scheduled to run for 2 years (22).

4.11 The launch of the *Prison Service Alcohol Strategy* (25) for prisoners was in response to the wider Government policy, *Alcohol Harm Reduction Strategy for England* (12). The Strategy provides a framework for addressing prisoners' alcohol problems balancing treatment and support with supply reduction measures. The focus of the Strategy is to improve consistency and build on good practice for the delivery of services within existing resources.

### **Community Safety**

4.12 The *Police and Justice Act 2006* (26) has helped to build safer communities by making sure key elements of the government's police reform programme and the *Respect Action Plan* are implemented. The Act is also helping to sustain further improvements in police performance at neighbourhood, force, national and international levels. Notably, the Act has already helped to amend the *Crime and Disorder Act 1998* to make *Crime and Disorder Reduction Partnerships*

(CDRPs) and Community Safety Partnerships (CSPs) more effective at tackling crime, anti-social behaviour and substance misuse in their communities.

4.13 In addition, the Home Office 'Guide to Effective Partnership Working' (27) provides new statutory requirements and recommended best practice for CDRPs in the form of 'Hallmarks for Effective Partnership Working', including the role of PCTs and Local Health Boards in tackling drug and alcohol misuse. From April 2008, Home Office declared a statutory duty for CDRP to have a local alcohol strategy (22).

4.14 The Tackling Violent Crime Programme (TVCP) (28) focuses on alcohol-related and domestic violence because together these make up the majority of violent crime incidents. Research shows that domestic violence accounts for 16-25% of all violent crime, and that approximately half of violent crime incidents are alcohol-related. Geographically the programme focuses on a relatively small number of areas, in which research has shown a significant percentage of violent crime to occur. The aim is that targeting activity in these areas should produce a reduction in the national level of violent crime. Partnership working is a key focus of the TVCP.

4.15 The National Probation Service has an important part to play in tackling alcohol misuse within its wider role of protecting the public and preventing further offending by rehabilitating offenders. A great deal of good work is already being done. Working with Alcohol Misusing Offenders – A Strategy for Delivery (29) aims to develop more consistent and co-ordinated delivery.

4.16 Under the Criminal Justice Act 2003 (30), a caution with specific conditions attached to it may be given where there is sufficient evidence to charge a suspect with an offence which he or she admits, and the suspect agrees to the caution. The Act also stipulates that the courts can make an alcohol treatment requirement (ATR) one of the possible requirements. The court may not impose an alcohol treatment requirement unless the offender expresses willingness to comply with its requirements.

4.17 Arrest Referral (13) is one of a growing number of initiatives intended to disrupt the link between substance misuse and offending. It aims to do so by improving the uptake of substance misuse treatment and care services among arrestees whose offending may be related to drug use or drug and alcohol use.

4.18 The National Probation Service (NPS) has two substance misuse group work programmes, which address alcohol-related offending behaviour: 1) the Drink Impaired Drivers (DID) scheme, which is aimed at drink drivers with no other criminogenic need; and 2) the Lower Intensity Alcohol Module (LIAM) for those offenders whose alcohol misuse and offending needs might require referral to another programme (e.g. tackling violent behaviour), but where there is still a need for alcohol-related offending to be addressed (13).

## **Licensing**

4.19 The Rogers Review (31) identified alcohol licensing as one of the five main national enforcement priorities. Alcohol licensing seeks to prevent risks, such as anti-social behaviour and violence, that could affect all parts of society particularly the young and vulnerable.

4.20 The Department for Culture, Media and Sport are responsible for alcohol and entertainment licensing policy. The 2003 Licensing Act (32) was created to provide a new system of licensing for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The Act does not prescribe days or opening hours when alcohol can be sold, rather it aims to promote four fundamental objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

4.21 The measures in the Licensing Act will be complemented by provisions in the Violent Crime Reduction Act 2006, sections 21–22 of which will allow licensing authorities to fast-track licence conditions, on the application of a senior police officer, in cases of serious crime and disorder (13).

## **Industry Voluntary Codes and Campaigns**

4.22 The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (33) was introduced in 1996 following a public consultation. The Code, which is supported throughout the industry, seeks to ensure that drinks are marketed in a socially responsible way and to an adult audience only. The Code has an open and accessible complaints system. Complaints under the Code are ruled on by an Independent Complaints Panel (33). If a product is found in breach of the Code, a Retailer Alert Bulletin is issued, asking retailers not to stock the offending product unless and until it has been amended to comply with the Code.

4.23 Social Responsibility Standards for the Production and Sale of Alcoholic Drinks in the UK (34) were launched in November 2005. The Standards were drawn up by the Wine and Spirit Trade Association, the British Beer and Pub Association and the Scotch Whisky Association and have had full support and input from thirteen other trade bodies and several Government departments. The Standards set out best practice for the promotion of sensible drinking, responsible marketing and promotions and responsible retailing of alcoholic drinks. They are based on a set of social responsibility principles around the promotion of responsible drinking and the avoidance of promoting or condoning illegal, irresponsible or immoderate drinking.

4.24 In April 2007, the alcohol industry agreed with the Department of Health additions to labelling to support sensible drinking. During 2008, the Government will continue to consult on the extent to which these additions – along with a pregnancy message – have been implemented. It will also consider consultation on possible legislative options should insufficient progress have been made by then (13).

4.25 On November 16, 2007 Ofcom and Advertising Standards Authority (ASA) jointly published a research report on the impact of alcohol advertising on young people following the tightening of the Advertising Codes in October 2005. The new rules were designed to make alcohol advertisements less appealing to the under 18s and, in particular, to prevent alcohol advertisements from being associated with or reflecting youth culture (13).

4.26 For over two years, the British Beer & Pub Association's Challenge 21 campaign (35) has been raising awareness of the underage sales issue among publicans, their staff and pub goers alike. The BBPA and its members have now issued over 350,000 Challenge 21 posters to British pubs. The Challenge 21 message - that if you look 21 or under you should expect to be asked for ID if you try to buy alcohol - now has a strong and visible presence right across the country.

#### **Children and Young People**

4.27 Every Child Matters: Change for Children (36) is a new approach to the well-being of children and young people from birth to age 19. The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to: Be healthy; Stay safe; Enjoy and achieve; Make a positive contribution and; Achieve economic well-being.

4.28 With respect to alcohol, young people were first introduced as a priority in the updated Alcohol Strategy: Safe. Sensible. Social (13). Following this, a Youth Alcohol Action Plan (37) was developed to take further actions on reducing young people's drinking and related anti-social behaviour and health harms. This Action Plan sets out how the Government will address youth problems with alcohol through a strong partnership with parents, industry, criminal justice and law enforcement agencies and communities.

4.29 In July 2005 the government launched its green paper Youth Matters setting out proposals designed to improve outcomes for 13-19-year-olds. A consultation on Youth Matters was run from July to November 2005. With over 19,000 responses from young people, this is one of the largest responses to a government consultation from any one group. The government's response to the consultation, Youth Matters: Next Steps (38), set out the vision for empowering young people, giving them "somewhere to go, something to do and someone to talk to". Acknowledging the hardships and risks that can limit the opportunities available to youth, the government has dedicated several programmes of work to help limit the problems associated with substance misuse, offending, teenage pregnancy and homelessness.

4.30 The NICE guidance on community-based interventions to reduce substance misuse among vulnerable and disadvantaged children and young people (39) calls for anyone who works with young people to identify those who are vulnerable to drug problems and intervene at the earliest

opportunity. It gives advice on stepping in and helping young people access the right support and services and outlines effective individual, family and group-based support which can improve motivation, family interaction and parenting skills.

4.31 The NICE guidance on school based interventions to prevent and reduce alcohol use (40) is aimed at anyone who works with children and young people in schools and other education settings. It gives advice on incorporating alcohol education into the national science and personal, social and health education (PSHE) curricula, and helping children and young people access the right support. It also looks at how to link these interventions with community initiatives, including those run by children's services. There are no national guidelines on what constitutes safe and sensible alcohol consumption for children and young people, so the recommendations focus on: encouraging children not to drink, delaying the age at which young people start drinking and reducing the harm it can cause among those who do drink.

4.32 Since 2006 the Department of Health and Home Office have jointly worked on the advertising campaign, Know Your Limits (41), which urges young drinkers to know their limits and to stay within them. It is aimed at 18 to 24 year olds, although it also reaches out to younger, illegal drinkers.

### **South East Regional Context**

4.33 At the regional level, the South East of England is following the strategies outlined at the national level, namely The Alcohol Harm Reduction Strategy for England and Safe, Sensible, Social. The next steps in the National Alcohol Strategy (42).

4.34 The National Alcohol Strategy Implementation Toolkit is a resource provided by the national authority to help regional and local teams develop strategies to address alcohol-related crime, ill health and other harm in line with the National Alcohol Strategy. It has been written specifically to help alcohol leads and others within local authorities, primary care trust (PCTs), children's services and delivery partnerships such as Crime and Disorder Reduction Partnerships (CDRPs) and Drug and Alcohol Action Teams (DAATs) (42).

4.35 The Vision for the South East is to reduce the excessive drinking of the minority who drink in a way that is a nuisance or a danger to others and themselves to a level that is safe, sensible and social. Specifically they are targeting: under age drinking, binge drinking, and harmful drinkers. They are currently working on supporting South East partnerships with the implementation of their Alcohol Strategies, sharing good practice and co-ordinating the delivery of the updated National Alcohol Strategy across the South East through a new strategic regional programme board (42).

4.36 Work is currently underway to address alcohol misuse by (42):

- Producing a GOSE statement of priorities on Alcohol
- Organising a regional Alcohol event
- Ensuring that a cross-cutting alcohol strategy and plan that is fit for purpose is produced in each upper tier/unitary authority
- To maintain the networking forum of alcohol practitioners in the region
- To set up an internal committee to scrutinise current and future Local Authority alcohol strategies/action plans ensuring they are fit for purpose
- To ensure cross-cutting targets are embedded in the Local Area Agreements as appropriate

4.37 The Regional Public Health Group in GOSE is also developing a Regional Alcohol Manager function which will be used to (42):

- Support LAA NI39 target setting and delivery by local partnerships
- Support SHA performance management of LAA NI39 NHS Indicator targets
- Influence the development and support delivery of local PCT targets related to NI39
- Enable regional co-ordination and joint working with CSIP for targeted and enabling support commissioned by DH to reduce alcohol-related admissions
- Co-ordinate and target action to support local social marketing initiatives

### **Brighton and Hove Local Context**

4.38 Local Area Agreements set out the priorities for the local area. LAAs are agreements between central government, local authorities and their partners, through the Local Strategic Partnership, to improve services and the quality of life in a particular place. The 35 targets for the period 2008-11 in the Brighton & Hove Local Area Agreement include targets around alcohol harm, drugs misuse, perceptions of anti-social behaviour, first time entrants to the youth justice system, domestic violence and prolific offenders (43).

4.39 Brighton & Hove's Sustainable Community Strategy (10) sets out the vision and plans of the agencies, organisations and communities who work together through the 2020 Community Partnership to improve the quality of life of local residents. The Strategy has eight priority themes, three of which have specific goals related to alcohol: 'Reducing Crime and Improving Safety', 'Children and Young People', and 'Improving health and well-being'. The Strategy plans to:

- Educate residents, especially children and young people, about sensible drinking
- Develop an Alcohol Harm Reduction Strategy
- Increase the availability of drug and alcohol treatment, partly through establishing a treatment centre targeting parents and carers and recognising many people have joint alcohol and drug misuse issues
- Increase enforcement against alcohol sales to under-18s and improve alcohol advice and treatment options;
- Reduce harmful levels of drinking and continue high visibility policing at recognised hotspots;
- Use planning policy to prevent over-concentration of super-pubs; and
- Involve the Licensees' Association and the Business Crime Reduction Partnership to promote good practice in pubs and clubs and help prolific offenders with drug and alcohol problems into treatment.
- Reduce the number of alcohol-related criminal offenses

4.40 In April of this year the Crime and Disorder Reduction Partnership (CDRP) of Brighton and Hove published its Brighton & Hove Community Safety, Crime Reduction and Drugs Strategy 2008-11 (43). This strategy aims to make the city safer by

- reducing crime, disorder and anti-social behaviour;
- reducing fear of crime;
- reducing harm from drugs and alcohol; and
- improving community safety

4.41 Brighton and Hove Drug & Alcohol Action Team (DAAT) has a membership consisting of senior managers from the City Council, the Police, the PCT, Probation and from Treatment service providers. The DAAT has a remit to oversee the delivery at a local level of the Government's National Alcohol Harm Reduction Strategy (2004). The local delivery is taken forward by a number of groups responsible for specific areas of the strategy (44).

4.42 One of DAAT's initiatives, Sussed about Drink, is a website designed to engage a younger audience by highlighting immediate, rather than long term, impacts of drinking to excess. There is also an over-18s section where people can learn about sensible drinking, take online drink tests and find out where to get help in Brighton & Hove (44).

4.43 The Alcohol and Entertainment Licensing Authority in Brighton and Hove is the City Council. It follows laws sent out in the national 2003 Licensing Act; however, on 13 March 2008 Council included in the Licensing Policy for 2007-2010 a Special Policy regarding cumulative impact which provides, along with the Act and government guidance & regulations, the basis of licensing decisions. There are four main principles behind this system (45):

- to prevent crime and disorder
- to prevent public nuisance
- to protect children from harm
- public safety

4.44 The new system began on 24 November 2005. The aim is to help build a fair and prosperous society, properly balancing the rights of people and their communities by following the above principles. It also intends to encourage tourism, reduce alcohol misuse, improve the self-sufficiency of local communities and reduce the burden of unnecessary regulations on businesses (45).

## 5. Review of Brighton and Hove data relating to alcohol and health

5.1 This section presents findings from the early stages of the data review work. It contains some unresolved issues on which we would welcome feedback from the Steering Group at its meeting on 7<sup>th</sup> October 2008.

5.2 Establishing a set of indicators to monitor the effects of flexible alcohol hours is an important aspect of this HIA work.

5.3 The review of data has highlighted a range of issues; we welcome Steering Group feedback on these.

### Dimensions of comparison

5.4 In this review work we consider two key 'dimensions of comparison'.

5.5 The first dimension of comparison is that of time.

5.6 The intervals between data points in the time trend will vary depending on the indicator under consideration and in particular the ease of collecting data.

5.7 We will need to establish a baseline from which to monitor effects. We note that the Licensing Act 2003 came into force in November 2005.

*Key question 3: what period does the Steering Group suggest is chosen as the monitoring baseline period?*

5.8 The second dimension of comparison we consider is that of geography or place.

5.9 Comparison can be made between Brighton and Hove and external comparators such as values for:

- England;
- Regional level; and
- Comparable large towns / cities.

5.10 Crime & Disorder Reduction Partnership (CDRP) Families have been established by the Home Office to facilitate comparisons. Each CDRP is joined by its 14 most similar CDRPs (based on criteria defined by the Home Office) to form a family group consisting of 15 CDRPs. Brighton and Hove CDRP family includes neighbouring South Coast cities of Portsmouth and Southampton. The Office for National Statistics (ONS) clusters are another means of identifying comparator towns / cities.

*Key question 4: Would Portsmouth or Southampton represent an appropriate comparator?*

5.11 We might also consider making comparisons between part of Brighton and Hove and the city as a whole.

*Key question 5: Are there specific communities that the Steering Group wishes to monitor impacts on?*

5.12 Clearly an approach that combines time and place will provide greatest insight into impacts. The dimensions introduced above provide useful prompts for the review of data.

### Approach to review

5.13 We have considered the impacts of flexible alcohol hours and have begun to establish a conceptual framework to guide the data review.

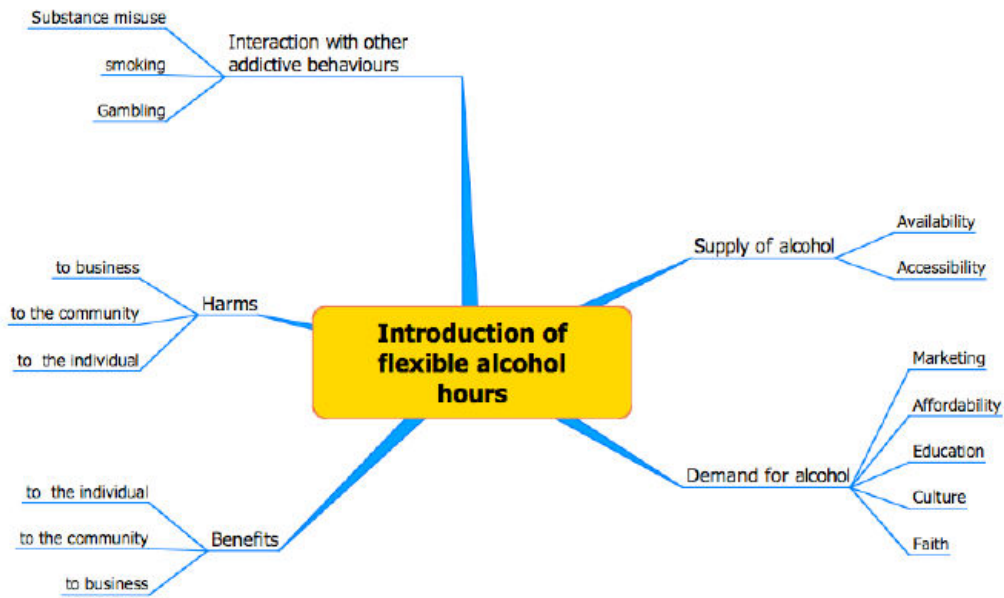
5.14 The following diagrams are not formal causal pathway models. They represent prototype schema to support the data review work. We welcome comments on the diagrams that follow.

5.15 A high level view of the introduction of flexible alcohol hours is shown in Figure 5. The benefits of alcohol are considered as in Figure 6. We have identified a number of potential alcohol

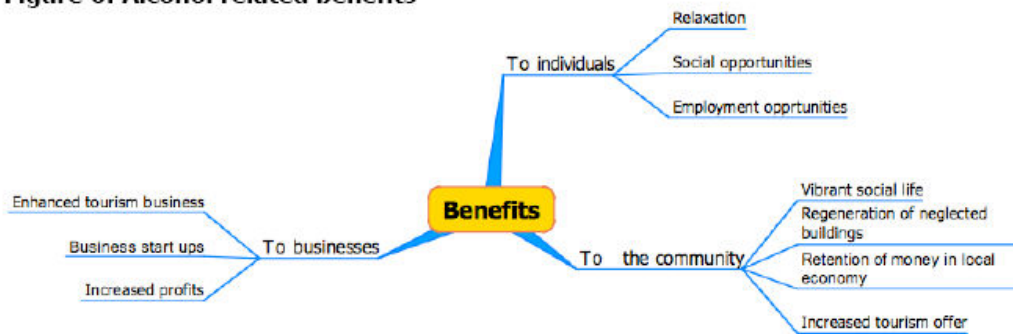
related harms. Figure 7 presents a wide range of potentially adverse impacts of alcohol. The diagram currently contains a mix of harm related elements and data representing alcohol related harm.

Key question 6: we welcome feedback from Steering Group members on these schema and in particular on the completeness of Figure 6 (benefits) and Figure 7 (harms).

**Figure 5: High level alcohol schema**



**Figure 6: Alcohol related benefits**



**Figure 7: Alcohol related harms**



5.16 We have reviewed a range of sources to establish the impacts identified above. These include Alcohol Indications, LAPE profile, Alcohol Concern Night time economy factsheet, [www.localalcoholstrategies.org.uk](http://www.localalcoholstrategies.org.uk), Home Office guidance for local partnerships on alcohol related crime and disorder data. We have begun to identify data for these impacts.

5.17 We continue to work closely with the PCT Alcohol Health Needs Assessment project to share intelligence on local data; thanks are due to Barbara Hardcastle for her support and collaboration.

5.18 Based on Figure 7: Alcohol related harms we have established the following long list of indicator topics (Table 2).



**Table 2: Long list of indicator topics**

Impact theme	Subtopic
1 Cultural	1.1 Mono-culture (other entertainments can't afford rates / rents)
2 Crime and disorder	2.1 Drink driving offences
2 Crime and disorder	2.2 Licensing offences
2 Crime and disorder	2.3 Alcohol related public disorder offences
2 Crime and disorder	2.4 Alcohol related violence
2 Crime and disorder	2.5 Fear of crime
2 Crime and disorder	2.6 Confiscation of alcohol from young adults
2 Crime and disorder	2.7 Alcohol related anti-social behaviour
2 Crime and disorder	2.8 Alcohol related vandalism
3 education	3.1 Fixed exclusions
3 education	3.2 Attainment
3 education	3.3 Childhood development
4 employment	4.1 Alcohol related sickness / absence
4 employment	4.2 Alcohol related loss of employment
4 employment	4.3 Loss of income due to alcohol related vandalism
5 environment	5.1 Noise nuisance complaints
5 environment	5.2 Fires where alcohol a factor
5 environment	5.3 Street cleaning related to alcohol
5 environment	5.4 Waste from licensed premises / in vicinity of
6 Families	6.1 Children in problem drinking households
6 Families	6.2 Domestic violence
6 Families	6.3 Drinking during pregnancy
6 Families	6.4 children accessing child specific support - alcohol related
6 Families	6.5 Parents / carers referred to treatment / support services
7 Health services	7.1 Primary care
7 Health services	7.2 Hospital admissions
7 Health services	7.3 A&E attendances
7 Health services	7.4 Ambulance callouts
8 housing	8.1 Homeless / rough sleepers with alcohol problems
8 housing	8.2 Housed tenants with alcohol problems
8 housing	8.3 Tenancies lost where alcohol a factor
9 Individual health and well being	9.1 Lifestyle - alcohol consumption
9 Individual health and well being	9.2 Stress and mental well being (as result of environmental problems)
9 Individual health and well being	9.3 Alcohol related mortality
9 Individual health and well being	9.4 Risk taking sexual activity
9 Individual health and well being	9.5 Risk of accidents
9 Individual health and well being	9.6 Road traffic accidents
9 Individual health and well being	9.7 Alcohol related morbidity

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5.19 This will need to be expanded to take into consideration alcohol related benefits (Figure 6).

5.20 We have begun and will continue to investigate the availability of local data against each of these topics.

5.21 Against the 38 harm subtopics identified above we are currently evaluating 61 potential indicators.

5.22 This involves identifying key contacts and contacting them to establish meta data. Key questions we ask about local data include:

- Source of data;
- Level of geography – is it Available down to PCT / ward / SOA / Postcode;
- Is a Male / Female split available;
- Age breakdown; and
- How regularly produced / what period is data available for?

5.23 We will then report back to the Steering Group findings along with an assessment of the value of each indicator for monitoring the impacts of flexible alcohol hours.

*Key question 7: Do Steering Group members have a view on the number of indicators they would wish to see used to monitor impacts and the relative importance of comparing Brighton and Hove with other areas versus comparing parts of the City with the whole?*

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Reviews June – Nov 08

NAME AND ADDRESS OF PREMISES	Date consideration of closure order received from Magistrates	DATE OF HEARING	DETERMINATION
Cranbourne News	Review received from Police/Trading Standards	11.06.08	Licence revoked.
Club HQ 43 Providence Place, Brighton	Review received from Pollution	03.07.08	Exclude all regulated entertainment from the licence, leaving solely the sale of alcohol as the only licensed activity
Orchid 52A Lansdowne Place Hove	Review received from EH	15.12.08	



**LICENSING COMMITTEE**  
**(Licensing Act 2003 Functions)**

**Agenda Item 25**

Brighton & Hove City Council

**Schedule of Licensing Appeals (3 June to Oct 2008)**

<b>Premises</b>	<b>Appellant</b>	<b>PTR</b>	<b>Hearing</b>	<b>Directions</b>	<b>Outcome</b>
Shooters Bar and Diner	Saltire Investments Ltd Mr McGrath	October 08	14.11.08		
The Slug and Lettuce	(Popleston Allen solicitors for the premises	November 08	TBA		
Thingslicious	Thingslicious Ltd	20 November 08	TBA		





**LICENSING COMMITTEE**  
**(Licensing Act 2003 Functions)**

**Agenda Item 26**  
 Brighton & Hove City Council

**GAMBLING ACT 2005 (to 27.11.08)**

<b><u>Numbers of applications</u></b>	<b><u>Betting</u></b>	<b><u>Bingo</u></b>	<b><u>Representations received</u></b>	<b><u>Categories</u></b>
Total applications received 2	1	1	0	1 Bingo (smoking shelter Gala Bingo, 1 Freshfield Way) 1 Betting Shop (Choicebet, 210 Hangleton Rd)
1 waiting magistrates decision on 1968 application				Casino
TUNs - none				
OUNs - none				

